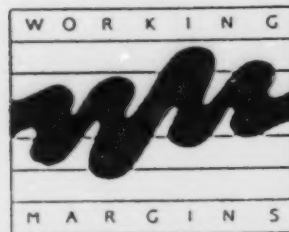


NORTHERN PARALEGAL PROJECT EVALUATION

FINAL REPORT



The Working Margins Consulting Group

**Winnipeg, Manitoba
September, 1989**



CONTENTS

	<u>Page</u>
EXECUTIVE SUMMARY	
FINAL REPORT	
1.0 INTRODUCTION AND BACKGROUND	1
1.1 Problems with the Northern Justice System	1
1.2 The Proposed Pilot Project	3
1.3 Project Communities	6
1.4 Project Evaluation	7
1.5 Summary of Evaluation Activities	8
1.6 Evaluation Issues	11
2.0 FINDINGS REGARDING PROJECT IMPACT ISSUES	14
2.1 Access to Legal Services	15
2.2 Quality of Services	18
2.3 Impact on Sentencing By Courts	24
2.4 Relation of Community Residents to Justice System	24
2.5 Impact on Numbers and Types of Cases	26
2.6 Impact on Numbers and Types of Related Social Issues	34
3.0 FINDINGS REGARDING OPERATIONAL ISSUES	35
3.1 Impact of Community Conditions on Paralegals	35
3.2 Paralegal Time Allocation	36
3.3 Cost of the Northern Paralegal Service	42
3.4 Paralegal Qualifications	48
3.5 Training Required and Provided	50
3.6 Relationship of Paralegals to the Communities	54
3.7 Management and Supervision	57
3.8 Relationship of Paralegals to Their Clients	60
3.9 Relationship of Paralegals to the Court Party	62
3.10 Relationship of Paralegals to Other Service Providers	64
3.11 Job Description	66
3.12 Project Logistics	69
4.0 FINDINGS REGARDING LONG TERM IMPLICATIONS OF THE PROJECT	71
4.1 Costs	71
4.2 Strategic Lessons and Observations	71

APPENDICES

The following table of contents lists all of the Appendices contained in the original version of this Report. To save duplicating expenses, the Appendices have not been reproduced in the present published version. Complete copies of all the Appendices are available from the Department of Justice Canada on request.

- A: Questionnaire
- B: File Summary Data
- C: Work Time Per Case Data
- D: Northern Paralegals' Job Description
- E: Client Survey Results

LIST OF TABLES

	<u>Page</u>
Table 1: Population of Project Communities	6
Table 2: Socio-Economic Indicators for Project Communities	6
Table 3: Timing of Evaluation Surveys	8
Table 4: Response to First Interim Survey	9
Table 5: Response to Second Interim Survey	9
Table 6: Response to Endpoint Surveys	10
Table 7: Change in Volume of Services For Thompson and Other LAM Staff Between the 1987 Calendar Year and the May, 1988 through April, 1989 Period	16
Table 8: Change in Volume of Legal Aid Work For Northlands and Other Private Lawyers Between the 1987 Calendar Year and the May, 1988 through April, 1989 Period	16
Table 9: Types of Legal Needs of Clients Receiving Drop-In or Telephone Advice From Northern Paralegals, 1987-1989	17
Table 10: Services Provided by Paralegals in Formal Cases In the Four Project Communities	19
Table 11: Difficulties in Understanding Between Legal Aid Lawyers and Clients, Files Closed in Project Communities, January, 1988 - April, 1989	20
Table 12: LAM Lawyers' Assessment of Clients' Understanding By Age of Clients	20
Table 13: Legal Aid Lawyers' Assessments of Paralegal Assistance and of the Need for Paralegals' Assistance with Cases	21
Table 14: Paralegal Effectiveness by Clients' Difficulty Understanding LAM Lawyers	22
Table 15: Effectiveness Rating of Paralegals By Type of Service Provided For Formal Cases In Which Paralegals Were Involved	23

LIST OF TABLES, CONTINUED

	<u>Page</u>
Table 16: Comparison of Manitoba Legal Aid Activity Statistics Before and After Introduction of the Northern Paralegal Project	27
Table 17: Youth and Adult Duty Counsel Cases In Project and Comparison Communities, Comparing 1987 Calendar Year With the April, 1988 - March, 1989 Period	30
Table 18: Time Use By Legal Aid Lawyers, Jan. - Dec., 1987 and May, 1988 - April, 1989	31
Table 19: Number of Adults and Youths Charged in Community Courts, Project and Comparison Communities, Jan-Dec, 1987 and May, 1988 - April, 1989	32
Table 20: Comparison of 1988 Crime Statistics, Project and Comparison Communities	33
Table 21: Change in Numbers of Offences in Project and Comparison Communities Between the First Quarters of 1988 and 1989	33
Table 22: Change in Time Use By Paralegals, Sept, 1987 - April, 1988 and Sept., 1988 - April, 1989	37
Table 23: Comparison of Paralegals' Time Use In Job Description Categories, Sept, 1987 - April, 1988 and Sept., 1988 - April, 1989	38
Table 24: Comparison of Paralegals' Time Use to Job Descriptions	40
Table 25: Northern Paralegals' Drop-In and Telephone Contacts May - August, 1988 and Dec., 1988 - March, 1989, By Location of Paralegal When Contacted	41
Table 26: Paralegals' Travel Time and Time Spent In Each Community, Dec., 1988 - March, 1989	42
Table 27: Time Flow of Estimated Project Expenses	43
Table 28: Number of Thompson Office Cases Farmed Out to the Private Bar, December, 1987 - May, 1989	44
Table 29: Time per Case and Cost per Case Comparisons	47
Table 30: Qualities Required of Paralegals	48

LIST OF TABLES, CONTINUED

	<u>Page</u>
Table 31: Sequence of Training of the Paralegals	52
Table 32: Adequacy of Training As Assessed by the Paralegals	54
Table 33: Paralegals' Rating of Their Relationship with Community Groups	55
Table 34: Impact of Paralegals' Case Involvement as Perceived by Clients	61
Table 35: Paralegals' Rating of Their Relationship with Complementary Service Providers	65
Table 36: A Summary of Changes to the Paralegal Job Descriptions	66

LIST OF FIGURES

	<u>Following Page</u>
Communities Locations and The Legal Aid Northlands Administrative Area	4
Quarterly Duty Counsel Trends For Adults and Youth In Project Communities, January, 1987 - March, 1989	30
Thompson Lawyers' Time Use Trends January, 1987 Through April, 1989 Drop-In Advice and Duty Counsel Work	31
Thompson Lawyers' Time Use Trends January, 1987 Through April, 1989 Youth and Adult Criminal Time	31
Thompson Lawyers' Time Use Trends January, 1987 Through April, 1989 Training/Professional Development and Administration	31
Paralegal Time Use By Location, December, 1988 - March, 1989	42

NORTHERN PARALEGAL PROJECT EVALUATION

FINAL REPORT

EXECUTIVE SUMMARY

Project Description

The Northern Paralegal Project was begun by Legal Aid Manitoba (LAM) in September, 1987 with funding from the Department of Justice Canada and the Manitoba Attorney General's Department. It was felt that the project could reduce the inadequacy of legal services in northern Manitoba by introducing paralegal workers with a northern background and knowledge of Cree and English who would overcome problems of access to, and communications with, the legal system. Legal Aid Manitoba proposed to hire two paralegals to be based in the agency's Thompson office.

These paralegals were to provide outreach and supplemental services which could not be easily provided by Legal Aid lawyers. They were to improve the quality of the service being provided to LAM clients by assisting duty counsel, gathering information, interviewing clients, and translating where necessary. They also were to deliver services, such as drop-in clinics, community legal education, and public interest legal issue identification, which had not been available in northern communities.

The project operates in four northern Manitoba communities, two which are accessible by road, and two which are only accessible by air. The great majority of residents in the four project communities are Cree-speaking Natives, primarily Registered Indians. 90% of the clients being served by Legal Aid in these four communities are unemployed, and almost all of them are dependent on welfare payments.

Overall Evaluation Findings

The overall conclusions concerning the Northern Paralegal Project to this point are very positive. The project is clearly needed and is appreciated by most of those surveyed. The project has effectively increased access to legal services among northern Native residents, and it has improved communications between the lawyers and clients and between the court and clients. There has been a great increase in the area of civil and family law services in particular. Drop-in and telephone advice has increased dramatically and community court dockets seem to have been reduced as a result of project implementation. Moreover, those who are working in other regional and community agencies have a positive impression of the project for the most part, and feel that the paralegals are being well received in the communities. As well, paralegal activities appear to have reduced the time required of LAM lawyers per case by improving efficiencies in information collection and communication.

However, the long term success of the project will be enhanced by fine-tuning some of its structural and management aspects.

Summary of Issue-Specific Findings

The evaluation findings are presented below in relation to each of the evaluation questions or issues.

Issue #1: Do paralegals improve access to legal counsel?

The volume of services provided by the Thompson LAM lawyers has increased in most areas. The volume of drop-in and telephone advice provided by Thompson staff has increased by 70%. The volume of civil and adult criminal certificates issued has also increased rapidly, by 28% and 20% respectively. In these three areas the demand on the Thompson LAM staff has shown a much greater increase in work volume than the rest of the LAM system. As well, in every area except for drop-in and telephone advice, the Northlands private lawyers employed by LAM saw a rapid in-

crease in work, while work for private lawyers elsewhere was decreasing or increasing more slowly.

Issue #2: Have paralegals improved the quality of case preparation?

The data on paralegals' involvement in case work confirms that they have increased the breadth of services provided.

In the view of the LAM lawyers, the paralegals were seen as effective in 93% in which they were involved. In only 7% of the cases were paralegals not available when they were needed. These figures suggest that paralegals are helpful to the lawyers, and are being used appropriately. The data also suggest that there are proportionately more cases in which paralegals are needed in the more isolated communities, and that the paralegals are most valuable when there is a language or communications problem between the lawyer and the client. LAM lawyers felt that there was a distinctly improved rapport with clients, and that they could better understand and appreciate the client's circumstances and how day-to-day life affected clients' motivations and viewpoints.

Issue #3: Have the paralegals affected the decisions and sentencing of courts?

It was not feasible to attempt to address this evaluation issue.

Issue #4: Have the paralegals changed the way in which community residents relate to the justice system in the north?

In general, neither community leaders nor paralegal clients think that the presence of the paralegals has changed residents' generally negative attitude towards the justice system. On a day-to-day practical level, however, the paralegals have been educating LAM clients about the operation of court, the clients' legal rights, and the meaning of charges and sentences. LAM lawyers and paralegals claim that clients are more willing to come forward and speak with the lawyers and to speak before

the court since they have a better understanding of the legal process.

Issue #5: Have the paralegals affected the number and types of court or quasi-legal cases?

As noted above, LAM staff in Thompson have seen an especially large increase in the number of civil certificates issued. The volume of criminal certificates also has increased substantially. There has been, however, a slight decrease in the number of youth certificates. Drop-in and telephone advice increased dramatically.

The numbers of both youths and adults appearing in courts increased in the comparison communities, but decreased in the four project communities. This suggests that the project may have reduced the number of people appearing on community court dockets.

Issue #6: To what extent have northern paralegals affected the number and types of social issues that are brought forward for legal remedy?

Since the project was established the Public Interest Law Centre has identified four public interest cases in the north which are being researched. The Centre feels that if the paralegals were not in place they would not have been able to identify and develop any of these cases.

Issue #7: Under what community conditions are paralegals most effective? Least effective?

The perceptions of LAM lawyers indicate that clients and lawyers have more difficulty communicating in the less developed and more isolated communities of God's Lake Narrows and Shamattawa than in Cross Lake or Norway House (although there were communications difficulties in over 20% of lawyer-client pairs in each of the four communities). Similarly, LAM lawyers felt that paralegals were more effective when they were involved in God's Lake Narrows and Shamattawa cases.

The four target communities appear to fall into two groups in terms of development and isolation: the relatively more developed drive-in communities, and the relatively less developed and more isolated fly-in communities. The paralegal most interested in, and oriented to, "soft" community development serves the least developed community while the more technically oriented paralegal serves the most developed community. The opinion of LAM management and anecdotal evidence indicates that this distribution of community responsibility is most appropriate.

Issue #8: How do the paralegals allocate their time?

Paralegals are spending about 33% of their time in administration, 27% operating drop-in clinics, 15% preparing for circuit court, 11% assisting duty counsel in circuit court, 8% in community legal education work, and 5% in professional development. This distribution varies substantially from the proportions of time which were identified as targets within the job description.

A large portion (59%) of the paralegals' work time is spent in Thompson. Another 16% is spent traveling to and from the communities, leaving about 25% of their time actually spent in the target communities.

Issue #9: What is the cost of operating an effective northern paralegal service?

The real total 19 month project cost of \$251,000 is 17% higher than the "submitted" project cost of \$214,000. Were the value of senior management time and the value of LAM staff time devoted to paralegal training included, the real cost would likely be around 20% higher than the submitted cost, or around \$260,000 (\$13,700 per month on average).

It costs LAM \$114 per case (\$2 more per case) when the paralegals are involved in target community cases as compared to \$112 per case when the paralegals are not involved in target community cases. However, it cost LAM \$30 less per case in the target communities than in the comparison

communities. This suggests that although paralegal involvement in cases beyond the intake stage may be slightly more costly to the agency, there is an overall efficiency introduced by the paralegals (probably in the intake stage) allowing the LAM lawyers to make better use of their time.

Issue #10: What should the northern paralegals' qualifications be?

Paralegals should be selected for their commitment to native justice issues, and for their motivation, persistence, assertiveness, maturity, self-confidence, and flexibility. They also should have knowledge of the local culture, be fluent in the local language, have good communications skills, and know how to organize and network within the community. While knowledge of the justice system, knowledge of Legal Aid and its procedures, and interviewing skills are not initially required, the paralegals should have a willingness and ability to learn these things.

Issue #11: What training should northern paralegals receive?

The time devoted to training was somewhat less than planned because of multiple demands on the time of the Thompson office manager who had primary responsibility for on-the-job training of the paralegals. LAM management feel, however, that the general approach of an initial one-week overview orientation followed by periodic workshops during project implementation is the most effective one for northern paralegals in that it mixes theory and practice in such a way that paralegals can efficiently absorb the information as they are becoming more familiar with the legal system and issues involved. Thompson office staff and the Director of the Public Interest Law Centre prefer that paralegals be provided with a more extensive initial training period to be followed by an appropriate sequence of more pre-planned, training modules.

Issue #12: How are northern paralegals linked to the communities they serve? How should they be linked to be most effective?

In general, it appears that, with the exception of a more persistent effort at arranging an orientation with some community leaders, the paralegals are doing a good job of relating to the communities using their backgrounds, and continuing to use the mostly informal means of networking and being seen in the community.

Issue #13: How should northern paralegals be managed and supervised?

There were a number of initial problems encountered in project management which were gradually dealt with over the life of the project. Lack of initial clarity around paralegal, supervisory, and training roles, activity and time reporting, and job descriptions, and problems with communications within the Thompson office and between Winnipeg and Thompson, created some confusion and placed a strain on personal relationships within the Thompson office. While many of these issues were eventually resolved, it would have been preferable had these issues been clarified at the outset.

LAM lawyers emphasized that paralegals need to be formally incorporated into the office management system. They felt strongly that no program expansion or extension should be undertaken until the internal management system is more formally established.

Issue #14: How should northern paralegals relate to the client?

LAM lawyers find the paralegals effective in improving communication with clients in general and especially when clients have difficulty understanding the lawyer. In interviews with LAM lawyers paralegals were described as a bridge between the "system" and the individuals in need of legal services; that is, as communicators, educators, and advocates.

A survey of Legal Aid clients found that:

- * 100% of those clients who received assistance from the paralegals were satisfied with the assistance they received,
- * 91% felt that they were given advice they understood (compared to 82% in the comparison communities),
- * and 84% felt that it helped them to go to LAM for assistance (compared to 67% in the comparison communities).

Issue #15: How should northern paralegals relate to the court party?

In general, it appears that, with the possible exception of a more persistent effort at arranging an orientation with some members of the court party, coupled with greater assistance from the Chief Judge's office and from the Attorney-General's Department, little more could have been done to improve relations with the court party. In the end, although well-informed, better quality working relationships with the court party are preferred, the divergent interests among, and historical relationships within, the court party will continue to present barriers to more constructive work relations.

Issue #16: How should northern paralegals relate to providers of complementary services?

In general, it appears that, with the possible exception of a more persistent effort at arranging orientations with some representatives of complementary service agencies, the paralegals are doing a good job of relating to these agencies using their backgrounds and knowledge of the local language, and by using a mostly informal means of networking and being seen at meetings and conferences. Relations with some representatives of those agencies with whom LAM is often in an adversarial position are likely to be frequently strained.

Issue #17: To what extent should paralegal activities be prescribed, and to what extent should they be flexible in relation to the client and community?

The paralegals' job description has evolved over the life of the project, and the net effect of these changes has been to de-emphasize involvement in case preparation and to add emphasis to duty counsel assistance, legal education work, and administrative and personal development support activities. It is not clear what has driven these changes.

LAM lawyers noted that the paralegals should not be providing legal services per se and should focus on their "bridging" role between the client and the legal system. The lawyers feel strongly that greater clarification of the paralegals' job description is required. Both the LAM lawyers and the paralegals were particularly concerned that the paralegals were at times perceived as lawyers by clients. The line between clarification, explanation, guidance, assistance, and legal advice needs to be defined in operational terms.

Both paralegals felt that their duties and time percentage emphases in their revised, but identical, job descriptions were appropriate. Yet it is also clear that their collective time use deviated significantly from the job description. As well, the two individuals have very different ways of approaching the job, and LAM management has seen the value of having them specialize to a degree -- one worker doing more community development and public interest ground work, and the other doing more case and file-related work. These divergences between planned and actual time use should be addressed.

Issue #18: How did the paralegals manage the logistics of their operation? How has this affected the delivery of or demand for legal services?

Given the problems inherent in traveling to small, isolated communities, and the frequently limited availability of appropriate

office space in these communities, office and travel arrangements have generally gone smoothly. LAM has provided itinerant space for the paralegals in the target communities through a mixture of space rental, and space donated by local councils and provincial probation services. However, a number of communities have indicated that they would like the paralegals to spend more time in their communities. The experience of the project and the research literature suggest that an increase in the availability of paralegals in the communities will also lead to a substantial increase in the demand for services. Therefore, control of the amount of time paralegals spend in the communities is an important tool by which Legal Aid can manage the level of demand for services.

Issue #20: What might be the cost of a more comprehensive northern paralegal service?

The full cost of expanding the paralegal service is projected at \$6,000 per month or \$78,000 per year per additional paralegal. This amount does not include, however, the value of senior management time to be expended on the larger service, unusual travel or office costs which will depend on the communities to be served, or the value (or outright cost if purchased) of paralegal on-the-job training.

Issue #19: What strategic lessons and recommendations flow from the evaluation concerning the development of a more comprehensive northern paralegal service?

As noted in the introduction the overall conclusions concerning the Northern Paralegal Project to this point continue to be very positive. The project is clearly needed and is appreciated by most of those surveyed. It has increased access to legal services among northern Native residents, and it has improved communications between the lawyers and clients and between the court and clients. As well, paralegal activities appear to have reduced the time required of LAM lawyers per case by improving efficiencies in information collection and communication.

The long term success of the project will be enhanced by fine-tuning some of the structural and management aspects of the project. New programs, in new environments, which hire trainees demand more preparation, greater formal structure and clarity in approach, frequent performance feedback cycles, and more administrative support than well established programs staffed by qualified professionals. In an environment with many unknowns a well structured program is a means of maintaining project focus, knowing when and how to make corrections, making sure participants are communicating about the same things, and developing organizational knowledge for future development.

The project began implementation with a minimal program implementation plan due to relatively limited and overburdened resources within LAM. Planning has taken place to some extent as the project proceeded, partially overcoming the lack of sufficient "front-end" planning. The evaluator stresses the need to further clarify, systematize, and formalize administrative elements related to supervision, training, performance targets and monitoring, and intra-office work relationships.

A number of people would like the paralegals to have a greater presence in the communities. This demand should be considered by management especially in light of data indicating that the paralegals have been able to devote only 25% of their time to work in the communities.

The project also has had a dramatic impact on the work of LAM lawyers in Thompson, particularly on the office manager, increasing their caseloads and time spent in training and administrative work. The project, therefore, has created tension and difficulties within the office as it generates more work for an already busy staff. This issue should be addressed more thoroughly.

The evaluator makes the following strategic recommendations for consideration to improve this project, to assist in expanding this project if management so chooses, and to provide an improved base of knowledge to proponents in other jurisdictions who may be contemplating a service.

- * Identify money and staff resources that can do some management, information system, informational, activity, and administrative planning prior to implementation.
- * As noted above, clarify, systematize, and formalize a management/staff reporting and monitoring system to give feedback on performance, and to link paralegal performance with training and client impact.
- * Establish a means of reporting time use that reinforces performance monitoring (i.e. that is closely linked to service inputs, outputs, and impacts and that minimizes ambiguity in recording time).
- * Establish a training program in advance that will link the trainees' backgrounds with performance targets. Include orientations to legal aid, to the justice system, to complementary service providers, and to the communities. Identify individuals who can begin developing training modules. Involve the paralegals and their co-workers in assessing training needs and training effectiveness according to performance data produced during implementation.
- * Recognize that the presence of paralegals is likely to greatly increase caseloads, and that caseload proportions are also likely to change in that family or civil caseload will increase the most.
- * Recognize that the paralegals will not be able to offset the increased workload they generate, especially during the first two years, but not even over the long term.
- * Avoid building false expectations about the service to be offered, and about the impact of the service within the justice system, within the communities, and among other service providers.

- * Attempt, with some persistence, to clarify the role of the paralegals to legal aid staff, community leaders, the court party, and complementary service providers. Hammer out a method of joint orientation and initial working relationships. Understand what each party might lose or gain from entry of paralegals into the environment.
- * Recognize that, during the first years, at least, of the paralegals' presence, they will require more hands-on supervision and training, and that performance feedback systems should be established to enable performance data and perceptual data from others to reflect on activities. The paralegal management environment will be less collegial and more hierarchical than it would be for experienced lawyers.
- * Recognize the fact that in small, very close-knit, aboriginal communities the paralegals must prove their worth and trust to be accepted. This is especially important concerning the local council and other local service providers.
- * Establish, at the outset, a clear job description with developmental knowledge and skill benchmarks that is understood by the paralegals and their co-workers. This job description should differentiate the paralegal role and from the provision of "legal advice."
- * Ensure that paralegal management and managerial relations are clear, clean, and stabilized at the outset.
- * Understand the nature of the communities to be targeted, the level and magnitude of likely needs (educative, developmental, access only, or technical legal assistance). Target the nature of the project, and the interests, skills, and experiences of the paralegals according to community needs, and appropriately tailor individual job descriptions.



**NORTHERN PARALEGAL PROJECT EVALUATION
FINAL REPORT**

1.0 INTRODUCTION AND BACKGROUND

The Northern Paralegal Project was begun by Legal Aid Manitoba in September, 1987 with funding received from the Canada Department of Justice and the Manitoba Attorney General's Department. This funding was provided in response to a proposal which identified the inadequacy of legal aid services in northern Manitoba. The proposal was based to a large degree on the identification of problems with the administration of justice in northern Manitoba which, it was felt, could be alleviated by introduction of paralegal workers with a northern background and knowledge of Cree and English, who would overcome problems of access to, and communications with, the legal system which were felt to exist. While these northern paralegals would assist Legal Aid lawyers in providing services to northern communities, their focus was to be more on community work and communications than on technical assistance to lawyers in the office.

1.1 Problems With the Northern Justice System

The Northern Paralegal Project proposal focused on problems with the circuit court system in particular. The proposal pointed out that most of the work done by Legal Aid Manitoba's Thompson office is done on circuit, describing the operation of the circuit court in northern Manitoba as follows:

"Court parties, consisting of a judge, a court reporter, a court communicator, a crown attorney, and a Legal Aid Lawyer fly into the community in the morning and almost immediately convene court. They run through the docket quickly, and anyone wishing to see Legal Aid is stood down. Usually court is convened in a school gym or a community centre with limited facilities. Interview rooms are rare. After running through the docket, the court recesses and the Legal Aid lawyer attempts to interview clients. Usually, because of the large number of clients, the interviews are of a cursory nature. If the interviews go on too long, the judge becomes impatient.

"Ultimately court reconvenes and whatever can be dealt with, is. Many matters have to be remanded to the next sitting of

the court, which is usually a month away, in order to enable the lawyer to either do a more complete interview or to do some investigation, research or the like.

"Often trials will take place on the same day, and as soon as court is completed the court party is anxious to leave. Anyone who wishes to speak to the Legal Aid lawyer about a non-criminal matter is required to try and grab that lawyer after court. Since everyone in the court party is waiting for the lawyer, there is considerable pressure to see as few people as possible."

This system is clearly inadequate since so little time is allowed for communication between lawyers and clients, and because of the general problem of shortage of time for everyone concerned. In addition, it tends to mean that urgent, criminal problems are addressed, but domestic or other civil issues simply don't have the chance to be aired.

Added to these problems is the difficulty of cross-cultural communications. Nick Sibbeston, a defense counsel in the Territorial Court of the Northwest Territories, has described how northern community residents view the justice system.

"First of all, the people in the small Dene communities often tend to view the circuit court and the police as one entity. . . . When the court proceedings begin, it is generally a very tense situation for the individuals charged and for the community, as the procedure of the court is not familiar to the people. When the court begins, someone yells "Order" and everyone must stand. The police are all dressed up, and the people involved with the court party all have suits, briefcases and piles of books. All of the proceedings occur in English in a community where most people speak only the Dene language.

"While the general impression of the community is that some justice is done, there is often the feeling among the people that only a very small part of the event that brought the court into the community has been seen by the court and that the real story, all of the background of the case, has not been available to the judge. What was the relationship between the people involved in the incident? What was the effect of the incident on the community? Why did the person do what he did? Sometimes Indian or Dene beliefs are involved in the incidents. More native people must participate in the court system, so that the procedure will become more familiar to the people and can occur in native languages." (From "The Dynamics of Northern Justice," in Circuit and Rural Court Justice in the North; A Resource Publication, The Northern Conference, Yellowknife, March, 1984, page 1-6.)

Therefore, both the manner in which justice is "delivered" to the communities, and the content of what is meant by justice may create problems for northern residents. Translation of legal terms and concepts, already difficult enough when everyone speaks English, becomes

much more difficult when translating to Cree or other aboriginal languages. For example, there is no equivalent word to "guilty" in the Cree language -- a person either did it or they didn't. The Cree word for "wrestling" is also the word used to mean "sexual assault," creating obvious problems and misunderstandings.

Moreover, remedies or punishments that are appropriate in the south may not be in the north. For example, a man was found guilty of assaulting his wife with a tea cup. This verdict carried a mandatory penalty of not being allowed to use a firearm for five years. However, the only occupation the man knows is hunting and trapping to feed himself and his family. Therefore, the penalty is one which deprives him of his livelihood which was certainly not the intention of the law. When he found out what the penalty was the man said, "I would gladly drink my tea from a saucer for five years if they would only let me keep my gun."

1.2 The Proposed Pilot Project

In order to address these problems, at least in part, Legal Aid Manitoba proposed to hire two paralegal workers to be based in the Thompson office of Legal Aid Manitoba (LAM). They were to provide outreach and supplemental services which could not be easily provided by Legal Aid lawyers to four northern communities. They were also to be fluent in Cree and English in order to bridge the communication problems that can occur between Legal Aid lawyers and their clients.

Two major functions were identified for the northern paralegals. First they were to improve the quality of the service being provided by duty counsel in circuit courts. They were described as arriving in the community a few days before the court party was to arrive for circuit court in order to interview clients, take legal aid applications, conduct investigations, interview witnesses, and in general prepare criminal docket matters for the lawyers. In addition they were to assist in interviewing clients about non-criminal issues, such as family law, welfare law, civil claims, and unemployment insurance claims, which could

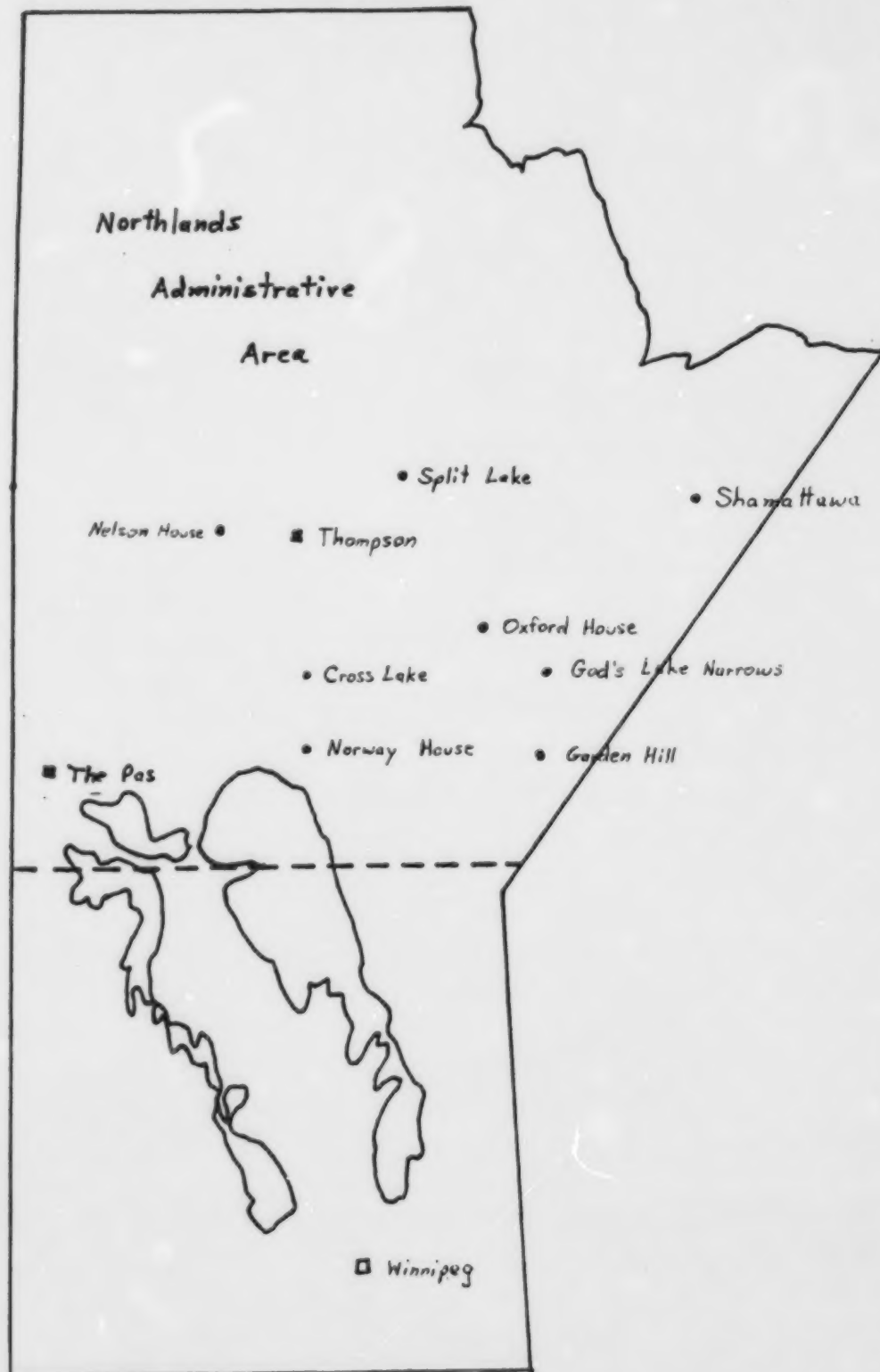
then be referred to the LAM lawyer.

The second paralegal function was to deliver services which had not previously been available in northern communities. These would include operating drop-in clinics on specific days to provide initial advice concerning minor problems and contacting the Thompson LAM office by telephone concerning problems requiring professional legal advice. The paralegals were also to expand community legal education services in the four project communities, and to help identify and act as a resource person concern public interest legal issues, referring appropriate matters to the Public Interest Law Centre in Winnipeg.

The Northern Paralegal Project was seen as a pilot project which, if successful, could be continued and expanded to other communities. The four communities in which the project has operated include two which are larger and accessible by road -- Cross Lake and Norway House -- and two which can only be reached by air -- God's Lake Narrows and Shamattawa (see Map). Each of the paralegals is based in Thompson, but travels regularly to two communities. One paralegal, who is originally from Cross Lake, was assigned to Cross Lake and Shamattawa, and the other works in Norway House and God's Lake Narrows and is from Norway House. Both paralegals are fluent in Cree and English.

Part of the context of the project has been the current climate of development in northern justice generally. During the past few years there has been increasing discussion of improved approaches to justice for northern communities, including various forms of native and community participation in the justice system. Some of the four project communities have had or have considered establishing justice committees during this period, and some have received funding for special justice-related projects. All four communities have one or more honorary probation officers, for example. (These are voluntary positions filled by local residents.) Norway House had an active local justice committee during the initial stages of the Northern Paralegal Project, but this

Community Locations And The Legal Aid Northlands Administrative Area



committee has now been discontinued, and Gods Lake Narrows and Shamattawa are considering establishing such committees. At Norway House an intensive supervision centre is being planned, and at Shamattawa Justice Development Officers are soon to be funded by the Canada Department of the Solicitor General.

1.3 Project Communities

The great majority of residents in the four project communities are Native, primarily Registered (i.e. Status) Indians. Each of the four communities includes an Indian reserve, and apart from Shamattawa, each also has a substantial Metis and Non-Status Indian population.

Table 1: Population of Project Communities
(1985/1986)

Community	Reserve*	Other **	Total
Cross Lake	1,567	581	2,148
God's Lake Narrows	867	112	979
Norway House	2,269	722	2,991
Shamattawa	565	---	565

Sources: * 1986 Census of Canada; ** 1985 Manitoba Northern Affairs Community Reports.

As the figures below indicate, the project communities are much poorer than other Manitoba communities. Although the situation may have improved temporarily as a result of the substantial hydroelectric construction which has been taking place in recent years, improving employment levels between 1981 and 1986, the high level of unemployment, low labour force participation rates, and low educational levels in the communities are likely to continue.

Table 2: Socio-Economic Indicators for Project Communities *
(1986 Census Data)

Community	Av. Family Income	Labour Force Participation		< Grade 9 Education	Percent Native **	Percent Speaking Mainly Cree At Home
		Men	Women			
Cross Lake	\$ 13,410	41%	22%	55%	99.1%	85.1%
God's Lake Narrows	\$ 18,642	52%	20%	51%	97.6%	89.0%
Norway House	\$ 19,185	41%	33%	45%	99.5%	63.7%
Shamattawa	\$ 13,867	50%	22%	75%	100.0%	93.8%
Manitoba	\$ 35,486	78%	56%	18%	8.1%	1.2%

* Reserves only; data unavailable for non-reserve areas of the communities.

** Percentage of those indicating a single ethnic origin.

As the table also shows, the vast majority of the community residents are native, and speak Cree in the home. Therefore, we could expect cross-cultural communications issues to be important to the justice system as it operates in these communities.

As we found in the file summary sheets completed for this evaluation, 90% of the clients being served by Legal Aid are unemployed, and almost all of them are dependent on welfare payments. Only 36 of 350 clients were identified as either regularly employed, or employed in seasonal or part-time occupations such as trapping or fishing.

1.4 Project Evaluation

The Canada Department of Justice and Legal Aid Manitoba provided funds for, and Legal Aid Manitoba hired, the Working Margins Consulting Group in the fall of 1987 to evaluate the project. An Evaluation Plan was prepared during November, 1987 and finalized in December, which defined the issues to be addressed and outlined a set of activities to take place over the period from December, 1987 through June, 1989. The objectives of the evaluation (as opposed to the project) are:

1. to provide the basis for decisions regarding the future development and operation of paralegal support services in northern Manitoba;
2. to provide interim project progress information and analysis that will enable management to make corrections which may improve the project's effectiveness or efficiency;
3. to produce an evaluation that fulfills the accountability requirements of project management; and
4. to produce a data base, an evaluation approach, and findings that may be useful in the future in other similar circumstances.

The evaluation involved interviews and surveys at four points in time, as shown below.

Table 3: Timing of Evaluation Surveys

Evaluation Stage	Groups Surveyed	Period
Baseline Surveys	Legal Aid Staff Northern Paralegals Court Party Members Other Related Agencies	January, 1988
Interim Surveys (2 Sets)	Legal Aid Staff Northern Paralegals Court Party Members Other Related Agencies	May, 1988 & Nov., 1988
Endpoint Surveys	Community Leaders Legal Aid Staff Northern Paralegals Legal Aid Clients	May, 1989

In addition to survey data, the evaluation made use of administrative data compiled by Legal Aid Manitoba, community courts docket information and RCMP crime statistics, and provides for the completion of special file summaries for files concerning the four project communities.

The evaluators also met regularly over the past year and one-half with an evaluation steering committee composed of representatives of Legal Aid Manitoba, the Department of Justice, and the Manitoba Attorney General's Department. At these meetings the evaluators received guidance and information from the committee, and reported on emerging issues or findings. The process resulted in this final evaluation which deals with project outcomes. The report reflects information received to May, 1989, and incorporates the data and findings of the two interim reports.

1.5 Summary of Evaluation Activities

As was intended in the evaluation work plan, a series of baseline and interim evaluation activities have now taken place. Information about the project and about perceptions of northern justice issues was obtained from:

- LAM lawyers in Thompson;
- Director and Deputy Director of Legal Aid Manitoba in Winnipeg;
- The two northern paralegals;
- The Public Interest Law Centre;
- Employees of related agencies, such as Awasis workers, band constables, RCMP officers, probation workers, and provincial child and family services workers;
- Members of the court party including crown attorneys, court communicators, court clerks, and judges;
- Community leaders (chiefs, mayors, or their representatives);
- A sample of former Legal Aid clients in two project communities and one of the comparison communities in northern Manitoba.

The interviews were conducted in person, except that the surveys of the court party and the related agencies were done by mail with follow-up telephone contacts where necessary. At the final stage of the evaluation sample files were also discussed with the LAM lawyer and the paralegal who had been involved in each case in order to assess the quality of the paralegal's work and its impact on the way the case was handled.

The questionnaires themselves underwent a substantial revision between the baseline survey and the first interim surveys, and minor revisions following each interim survey. The final versions of each questionnaire used in the evaluation are attached as Appendix A to this report. The following tables summarize the response we received to the three sets of surveys.

Table 4: Response to First Interim Survey

Group Surveyed	Target Number	Questionnaire Completed	Group Interview	Other Response
Court Party/Legal Personnel	18	9	15	1
Related Agencies	19	15	2	-
Total	37	24	17	1

Table 5: Response to Second Interim Survey

Group Surveyed	Target Number	Questionnaire Completed	Group Interview
Court Party/Legal Personnel	17	10	11
Related Agencies	19	13	2
Total	36	23	13

Table 6
Response to Endpoint Surveys

Group Surveyed	Target Number	Individual Interview	Group Interview
Thompson LAM Lawyers	4	3	3
Northern Paralegals	2	2	2
LAM Management	3	1	2
Public Interest Law Centre	2	0	2
Community Leaders	7	6	0
Sub-total	18	12	9
Client Survey	45	30	0

Four types of Legal Aid administrative data were collected and analyzed for this report. First, Legal Aid Manitoba's monthly activity reports provide data on numbers of certificates issued, numbers of duty counsel cases, and frequency of drop-in advice provided for the various legal aid offices and for the private bar. This allows the Thompson office to be compared to the rest of the Legal Aid offices and to the private lawyers who work in the Legal Aid system on a month-by-month basis. For this report, data for the period from January, 1987 through April, 1989 was analyzed.

Second, Legal Aid lawyers and northern paralegals are required to keep track of their hours of work by type of activity or function. Monthly data for the Thompson Legal Aid lawyers and the northern paralegals was compiled and analyzed, particularly concerning trends before and after the initiation of the project.

Third, Duty Counsel statistics are maintained on a monthly basis for each Legal Aid office and staff person. This provided some trend data concerning duty counsel work in the project communities as compared to duty counsel work in the comparison communities. These communities are Garden Hill, Nelson House, Oxford House and Split Lake (see Map). They were selected because of the characteristics that they share with the project communities: the residents are largely Native; largely Registered Indian; they are located in the north central and northeastern areas of Manitoba, they are also served by the Thompson LAM office; two of the communities have road access, two do not; and unemployment is high and

Incomes are low.

Fourth, during the summer of 1988, Legal Aid began recording the northern paralegals' work in providing drop-in and telephone advice to clients, by community and these statistics were compiled for this report in order to get a fuller picture of the paralegals' work.

In addition to these normal administrative sources of data, a special file summary form was developed. These summary forms, completed by staff in the Thompson office of Legal Aid, provide some data concerning the type of case, client characteristics, and the involvement of the paralegals for each file concerning residents of the four project communities. The file summary forms were revised after the first interim report to provide information about the type of involvement the paralegals had in a given case. These revised forms have been used since September, 1988.

In December, 1988 paralegals also began completing daily summary forms which provide another source of information concerning their activities. These were used in the final report to help determine the amount of time paralegals were spending in different communities and in traveling between communities.

For the final report we also collected data concerning time and costs which were not collected for the interim reports. This included a special summary of time spent on cases since January, 1989 by Thompson LAM lawyers and the northern paralegals. This summary included 100 cases from the four project communities, and 100 cases from other communities served by the Thompson LAM office.

Information was also obtained from the RCMP on incidence of crime in the four project communities and in four comparison communities starting in the first quarter of 1988. Finally, copies of the summaries of the community court dockets kept by the Court Office in Thompson were obtained to analyze trends over time in numbers of adults and youth being

charged with criminal offenses in the project communities and in the four comparison communities noted above. All of these other communities are served by the Thompson Legal Aid office, and have a large majority of Native residents, and all generate a substantial number of Legal Aid clients (although not as many as the four project communities).

The following sections report on our evaluation findings. The topics are based on the evaluation issues identified in the Evaluation Plan, as revised in December, 1987. These issues have governed the work carried out by the evaluators. These issues are grouped into three areas:

- A. Project Impact Issues,
- B. Operational Issues, and
- C. Issues Regarding An Ongoing Northern Paralegal Service.

The remainder of the report is divided into three sections, corresponding to these three areas.

1.6 Evaluation Issues

A. Issues Regarding Project Impact

1. To what extent (dimensions of time, timeliness, quality, and appropriateness) do the paralegals improve access to legal counsel?
2. To what extent has the availability of paralegals improved the quality of case preparation?
3. To what extent has the availability of northern paralegals changed the outcome (decisions and sentencing) of courts?
4. Have the paralegals changed the way in which community residents relate to the justice system in the north?
5. To what extent have the northern paralegals affected the number and types of court cases? The number and types of quasi-legal cases?
6. To what extent have northern paralegals affected the number and types of social issues that are brought forward for legal remedy?

B. Issues Regarding Operation of the Project

7. Under what community conditions are northern paralegals most effective? Least effective?
8. How do the northern paralegals allocate their time?
9. What is the cost of operating an effective northern paralegal service?

10. What should be the qualifications of northern paralegals at hiring?
At the effective working level?
11. What training should northern paralegals receive?
12. How are northern paralegals linked to the communities they serve?
How should they be linked to be most effective?
13. How should northern paralegals be managed and supervised?
14. How should northern paralegals relate to the client?
15. How should northern paralegals relate to the court party?
16. How should northern paralegals relate to providers of complementary services?
17. To what extent should paralegal activities be prescribed, and to what extent should they be flexible in relation to the client and community?
18. How did the paralegals manage the logistics of their operation?
How has this affected the delivery of or demand for legal services?

C. Issues Regarding An Ongoing Northern Paralegal Service

19. What strategic lessons and recommendations flow from the evaluation concerning the development of a more comprehensive northern paralegal service?
20. What might be the cost of a more comprehensive northern paralegal service?

2.0 FINDINGS REGARDING PROJECT IMPACT ISSUES

The impact of the Northern Paralegal Project on a number of factors in the northern justice system are of interest in this evaluation. The project was intended to increase access of northern residents to legal services, to increase the quality of case preparation, to affect sentencing patterns and the types of pleas made by northern defendants, and to have an impact on the number and types of cases handled by Legal Aid in the north. In addition, the project was expected to have a broader impact on the general relation of northern community residents to the justice system and, through public legal education and public interest law, to have some impact on how community social issues are dealt with.

This final report is based on the project's activities from its inception in September, 1987 through April, 1989. In looking at project impacts, before/after comparisons are often made. For data concerning Legal Aid Manitoba (LAM) activities, the 1987 calendar year is used as the baseline and compared to the most recent 12 month period for which data is available. For data concerning the northern paralegals and the project itself, we have sometimes compared the initial months of the project with the same months a year later to gain a sense of how the project has evolved over time. Some additional trend analysis has been done for such things as LAM lawyers' time use.

Several limitations arising from lack of appropriate data were identified in the first interim report. Since that time an improved system for reporting the activities of the paralegals has been put in place in the Thompson office, and the case summary forms have been expanded slightly. This will allow a somewhat more complete picture of the paralegals' activities than was previously provided.

Given these qualifications, the following tentative conclusions have been reached concerning project impacts. These findings are organized according to the evaluation issues developed in the evaluation work plan.

2.1 Access to Legal Services

Issue #1: Do paralegals improve access to legal counsel?

Data concerning access to legal services comes from two sources. First, we have looked at administrative data to see if there has been an increase in the volume of services provided by the Thompson office. (This includes work done in the four project communities as well as work done in a number of other northern communities.) Second, the LAM staff in Thompson, and others in the court party, were asked about access to services in the interim surveys.

The volume of services provided by the Thompson LAM lawyers (to all communities served by the Thompson office) has increased in most areas. As will be seen in Table 7 below, the volume of drop-in and telephone advice provided by Thompson staff (including the northern paralegals) has increased by 70% 1987 and the period from May, 1988 through April, 1989. The volume of civil and adult criminal certificates issued has also increased rapidly, by 28% and 20% respectively. In these three areas the demand on the Thompson LAM staff has shown a clearly different trend than the rest of the LAM system. Comparing the same two periods, other LAM lawyers experienced a decrease in drop-in and telephone advice of 5%, an increase of civil certificates of 5%, and a 10% decrease in adult criminal certificates.

There was little difference between Thompson and other LAM lawyers in the numbers of youth certificates completed; for both groups there was a slight decrease. On the other hand duty counsel work decreased among Thompson staff while it increased slightly among other LAM staff.

Table 7
Change in Volume of Services For Thompson and Other LAM Staff
Between the 1987 Calendar Year and the May, 1988 through April, 1989 period

	Thompson LAM Lawyers	Other LAM Lawyers
Civil Certificates Issued	+ 28%	+ 5%
Criminal Certificates Issued	+ 20%	- 10%
Youth Certificates Issued	- 3%	- 5%
Drop-In and Telephone Advice	+ 70%	- 5%
Duty Council	- 12%	+ 5%

Differences between the LAM Northlands administrative area (basically all of northern Manitoba including The Pas and Thompson offices, see Map) and the rest of the LAM system were also found for private lawyers employed by Legal Aid Manitoba (see Table 8). In every area except for drop-in and telephone advice, the Northlands private lawyers saw a rapid increase in work, while work for private lawyers elsewhere was decreasing or increasing more slowly.

Table 8
Change in Volume of Legal Aid Work For Northlands and Other Private Lawyers
Between the 1987 Calendar Year and the May, 1988 - April, 1989 Period

	Northlands Private Lawyers	Other Private Lawyers
Civil Certificates Issued	+ 36%	+ 11%
Criminal Certificates Issued	+ 52%	- 7%
Youth Certificates Issued	+ 29%	- 3%
Drop-In and Telephone Advice *	0%	+ 19%
Duty Council	+ 33%	- 55%

* None provided by private lawyers in the Northlands area.

These findings show a strong increase in access to legal services in the Thompson area, particularly in the areas of drop-in advice, criminal and civil certificates. (Further information on numbers and types of cases is provided in section 2.5 below.)

Improved access to legal services can also be monitored by examining the services being provided to community residents by the paralegals through the drop-in clinics. As shown in Table 9 below, the paralegals have had more inquiries concerning domestic and other civil matters than concerning criminal matters. These statistics support the view that the paralegals have especially increased the amount of civil work being done

by Legal Aid for residents of the four project communities. Moreover, the numbers of clients seen per month increased as the paralegals gained experience and became known in the communities. During the initial months of the project (December, 1987 - March, 1988) the paralegals provided drop-in or telephone service to an average of 38 clients per month. For the same months a year later, they were providing assistance to 62 clients per month. (Further information on drop-in and telephone advice provided by paralegals is provided in section 3.2 below.)

Table 9
Types of Legal Needs of Clients
Receiving Drop-in or Telephone Advice From Northern Paralegals
1987 - 1989

Type of Legal Need	Number	Percent	Clients/Month for the Period:		Change
			Dec/87-Mar/88	Dec/88-Mar/89	
Criminal	247	40%	17.5	25.0	+43%
Domestic	228	37%	15.5	25.3	+63%
Other Civil and Administrative	137	22%	4.8	11.8	+146%
Total	364	100%	37.8	62.0	+64%

In the two interim surveys, members of the court party and the Legal Aid lawyers were asked whether the project had improved access to legal services and the quality of legal services in northern communities. Responses in the first and second interim surveys were similar and indicated that the project had improved access to legal services. Access was said to have improved because there has been an increase in LAM applications from the target communities, because there are fewer files closed due to lack of client contact, and because the paralegals are another source of information in civil matters. In our final interviews with LAM lawyers in Thompson, they unanimously confirmed that the project has resulted in an increase in numbers of clients and in access to legal services, both in Thompson and in the communities, and that there are more cases of every type from the target communities.

2.2 Quality of Services

Issue #2: Have paralegals improved the quality of case preparation?

Information quality of legal services was obtained from the file summary sheets (completed for all files closed by the Thompson Legal Aid office concerning residents of the four project communities), from a review of a sample of files and discussion of the cases with the paralegals and lawyers involved, and from questionnaire and interview respondents.

Based on the file summary sheets, a total of 359 files were closed between January 1, 1988 and April 15, 1989, or about 22 cases per month for the four communities combined. Of these, 243 (68%) were adult criminal cases, 108 (30%) were youth criminal cases, and 8 (2%) were separation or other cases. (It should be noted that our review of a sample of files and our discussions with LAM staff in Thompson showed that file summary sheets are often inaccurate in that they understate the amount of involvement of the paralegals in cases.)

Since September, 1988 the file summary forms have recorded the type of work or involvement the paralegals have had on each of 173 cases. We have divided this into two periods: September - November, 1988 (data available at the time of the second interim report) and December, 1988 - April, 1989 (see Table 10 below). Paralegals have been involved in at least 64% of the 173 cases. This involvement is of two general types -- intake work (the initial meeting with clients and taking legal aid applications) and assistance to the lawyer on a particular case.

The amount and types of paralegal involvement have changed somewhat between the first and second periods. In both periods, paralegals were most often involved in taking applications. Of the paralegal activities which involved case work or assistance to lawyers, the most frequent were interviewing clients and providing information to the Legal Aid lawyer responsible for the case. However, in each of the ways listed,

paralegals were more likely to be involved during the later period than during the earlier period. Paralegals provided an average of 3.2 types of services per case during the later period, compared to 2.2 types during the earlier period. This confirms that, as the paralegals have gained experience, they have increased the breadth of services provided.

Table 10
Services Provided by Paralegals in Formal Cases
In the Four Project Communities
(Files Closed from September, 1988 through April, 1989)

Type of Service	Sep-Nov/88		Dec/88-Apr/89	
	\$	%	\$	%
Took Legal Aid Application	29	41%	50	79%
Provided Information to Legal Aid lawyer	15	21%	34	54%
Reviewed Police Particulars	12	17%	27	43%
Provided Basic Legal Information to Client	13	18%	26	41%
Interviewed Client	17	24%	41	65%
Referred Client to Other Sources of Assistance	1	1%	1	2%
Prepared Correspondence	12	17%	22	35%
Other	3	4%	1	2%
Sub-total Types of Involvement	102		202	
Not Involved	24	34%	39	36%
Total Number of Files	71	100%	102	100%
Cases in Which Paras Involved	47	66%	63	62%
Average Types of Involvement/Case	2.2		3.2	

Notes: Number of files and percentages exceed 100% because of multiple responses.
Percentages are based on number of cases in which paralegals were involved.

For all of the 359 files closed during the January, 1988 through April, 1989 period, Legal Aid lawyers were asked the following questions:

"Did the client have difficulty understanding advice or explanations given?"

"Did the lawyer have difficulty understanding client's explanations or intentions?"

"Did the paralegal provide effective assistance in helping the lawyer and the client to communicate?"

These questions were intended, first, to establish whether there was any communications barrier between the lawyer and the client, and second,

whether the paralegal was able to help overcome this barrier. (See Appendix B.) Table 11 summarizes this information for the four communities.

Table 11
Difficulties in Understanding Between Legal Aid Lawyers and Clients
Files Closed in Project Communities, January, 1988 - April, 1989
(Percent of files in which there was difficulty in understanding.)

Community	Client Had Difficulty* Understanding Lawyer	Lawyer Had Difficulty* Understanding Client
Cross Lake	34%	27%
God's Lake Narrows	39%	28%
Norway House	23%	21%
Shamattawa	48%	31%
Total (All Communities)	36%	27%

* Includes files where lawyer was uncertain whether there was difficulty understanding.

In 27% of the cases, lawyers felt they had difficulty understanding their clients, while in 36% of the cases they felt that the clients had difficulty understanding them. Difficulty among clients in understanding the lawyers seemed to be the biggest problem at Shamattawa where almost half of the clients had difficulty understanding the lawyers.

Table 12
LAM Lawyers' Assessment of Clients' Understanding
By Age of Clients

Age Group	Number of Clients	Number Who Lawyer Felt Didn't Understand*	Percent of Age Grp
12 - 15	42	24	59%
16 - 20	92	30	38%
21 - 25	75	27	44%
26 - 30	36	13	42%
31 - 35	18	3	20%
36+	24	11	43%
Age Not Given	41	11	27%
All	328	119	36%

* Includes files where lawyer was uncertain whether there was difficulty understanding.

The age distribution of clients and lawyers' sense of their level of understanding is shown in Table 12. We analyzed this data to see if problems in understanding were related to the client's age. The clients tended to be in the younger age groups, with 209 of 328 clients, or 64%,

less than 26 years old. Lawyers tended to feel that the younger clients had greater difficulty understanding them than the older clients. Among clients under the age of 26, 39% were felt to have problems understanding, compared to 35% among those 26 or older. Among younger teenagers (12-15 years old) this proportion was nearly 60%.

Legal Aid lawyers were also asked to indicate in these file summaries whether the paralegal had provided effective assistance in each case that was closed. Paralegals could either be assessed as being effective, ineffective, or if they were not involved in a particular case, not needed or needed. Table 13 summarizes this information for each of the four communities. (Ten cases were considered project cases even though the client did not reside in one of the project communities at the time of initial contact.)

Table 13
Legal Aid Lawyers' Assessments of Paralegal Assistance
And of the Need for Paralegals' Assistance with Cases

Client Residence	In Cases Where Paralegal Was Involved:		In Cases Where Paralegal Was Not Involved:		Total
	Effective	Ineffective	Not Needed	Needed	
Cross Lake	31	5	32	8	76
God's Lake Narrows	35	0	17	1	53
Norway House	27	0	48	5	80
Shamattawa	75	1	20	8	104
Other	1	0	9	1	11
Total	169	6	126	23	324

As the table shows, paralegals were felt to have been effective in 169 of the 175 cases in which they were involved. In 126 cases of the 149 cases in which paralegals were not involved, LAM lawyers felt that the paralegals' help was not needed, and in 23 cases lawyers felt they would have benefited from the assistance of a paralegal. These figures suggest that paralegals are helpful to the lawyers, and are being used appropriately, by and large. In only 23 of 324 cases (7%) were paralegals not available when they were needed. The table also suggests that there are proportionately more cases in which paralegals are needed in the more isolated communities of Shamattawa and Gods Lake Narrows than

in Norway House and Cross Lake.

The value of the paralegals is partly, but not entirely, related to language capabilities. As Table 14 shows, paralegals are felt to be more needed and effective when the clients have difficulty understanding the lawyers. In only 4% of the cases where a communication problem was felt to exist were paralegals seen as not needed, compared to 55% of the cases where no communication problem was evident. However, in more than 40% of the cases when there was not a communications or language barrier between the lawyer and the client the paralegals were still felt to be needed and effective.

Table 14
Paralegal Effectiveness By Clients' Difficulty
Understanding LAM Lawyers

Paralegal Effectiveness	Difficulty Understanding	No Difficulty Understanding	Unkown Difficulty	Total
Effective	53 (70%)	86 (41%)	30 (70%)	169 (52%)
Not Effective	1 (1%)	4 (2%)	1 (2%)	6 (2%)
Not Needed	3 (4%)	115 (55%)	8 (19%)	126 (38%)
Needed	19 (25%)	3 (1%)	1 (2%)	23 (7%)
No Response	0 (0%)	1 (0%)	3 (7%)	4 (1%)
Total	76 (100%)	209 (100%)	43 (100%)	328 (100%)

Note: Does not include 32 cases where neither effectiveness nor difficulty is known.

We also looked at paralegal effectiveness in relation to the type of services they provided. As Table 15 shows, effectiveness ratings of paralegals by the LAM lawyers were generally high, but were significantly higher when the paralegals' were actually involved in case work as well as the initial intake of clients. In general, paralegals were felt by the LAM lawyers to have been effective in 67% of the cases in which they played some role. However, in those cases where the paralegals only took legal aid applications, they were judged effective only 28% of the time. In cases where paralegals took legal aid applications and provided at least one other service they were felt to have been effective 82% of the time. In cases where paralegals only provided services other than taking applications, they were felt to have been effective 88% of the time. Clearly, LAM lawyers value the case work assistance provided by parale-

gals much more than they do the intake work.

Table 15
Effectiveness Rating of Paralegals By Type of Services Provided
For Formal Cases In Which Paralegals Played Some Role

Service	Effective	Not Effective Or Not Needed *	Total	%
Intake Only (no other involvement)	7	18	25	28%
Provided Information to Legal Aid lawyer	38	5	43	88%
Reviewed Police Particulars	24	6	30	80%
Provided Basic Legal Information to Client	21	5	26	81%
Interviewed Client	41	8	49	84%
Referred Client to Other Sources of Assistance	1	0	1	100%
Prepared Correspondence	22	4	26	85%
Other	1	0	1	100%
Total **	58	28	86	67%

* This includes 6 cases in which Paralegals were said to have taken legal aid applications, but where LAM lawyers felt that their assistance was needed but not provided.

** The sum of the individual types of services provided is greater than the total because of multiple responses.

Source: File summary forms.

Questions concerning the quality of services provided by paralegals were also included in the two interim surveys. Responses to the two interim surveys were similar, and were mainly positive. Quality of services was said to have improved because of improved fact gathering, improved client understanding of the justice system, and more frequent client involvement in the legal process. Negative comments included a concern about the accuracy of the information provided by paralegals.

In the final survey of LAM lawyers in Thompson, it was again stated that the paralegals were of significant assistance in bridging the culture and communication gap. LAM lawyers felt that there was a distinctly improved rapport with their clients, that they could better understand and appreciate the client's circumstances, and how day-to-day life affected individuals' motivation and viewpoints. The ability of the paralegals to speak to clients in their mother tongue led to a greater openness and a broadening of the information base available to the lawyers involved.

2.3 Impact on Sentencing By Courts

Issue #3: Have the paralegals affected the decisions and sentencing of courts?

Following discussions with several people in the justice system it does not appear feasible to address this question within the evaluation. There is not data available within the justice system which will allow easy access or tracing of individuals through the system. Moreover studies of sentencing are inherently complex and demanding, putting such a study beyond the scope of the evaluation. LAM lawyers also felt that it would be extremely difficult to assess this issue, although one lawyer pointed out that the increased information base which the paralegals make possible results in the presentation of a broader range of options for alternative sentencing.

2.4 Relation of Community Residents to Justice System

Issue #4: Have the paralegals changed the way in which community residents relate to the justice system in the north?

The budget for this evaluation did not allow for a survey of community residents. Instead, perceptual data relevant to this issue were obtained from the surveys of community leaders, paralegal clients, LAM lawyers, and paralegals (see Appendix A).

In general, neither the community leaders nor the paralegal clients think that the presence of the paralegals has changed residents' attitudes or stance towards the justice system. Community leaders say that there is a great deal of hostility towards the administration of justice within northern aboriginal communities --- that is, towards the operation of the courts, the attitudes of the judges, and the availability of LAM lawyers. Some community leaders also said that if the paralegals are to affect the way community residents relate to the justice system it will take much longer than the two years that the project has been in

operation. One community leader suggested that the paralegals organize, with the help of LAM, native language, mock courts in the communities as a way of providing public legal education.

Community leaders have, however, noted that the paralegals have been gradually educating LAM clients about the operation of court, the clients' legal rights, and the meaning of charges and sentences. Most of the paralegal clients surveyed said that they received the information concerning their rights, the charges against them, or their sentence which they desired. Not surprisingly, paralegal clients are interested in their personal outcome rather than the workings of the justice system. (Further information concerning the relationship of the paralegals to clients from the communities, rather than to community residents in general, is provided in section 3.8 below.)

Both the paralegals and the LAM lawyers believe that the paralegals are changing the way their clients are relating to the justice system. The lawyers and paralegals claim that clients are more willing to come forward and speak with LAM lawyers and to speak before the Court since they have an appreciably better understanding of the process and steps being taken. It was suggested that clients may feel that LAM lawyers understand them better and are advocating on their behalf to a greater extent than they used. The paralegals and lawyers also claim that, because their clients understand their rights better they are demanding more trials, they are pleading not guilty more frequently, and civil applications are increasing greatly. This claim is corroborated by data obtained from the survey of paralegal clients.

2.5 Impact on Numbers and Types of Cases

Issue #5: Have the paralegals affected the number and types of court or quasi-legal cases?

In order to assess the possible impact of the project on numbers of cases handled, we analyzed the Legal Aid Monthly Activity Summaries. These summaries show the numbers of certificates issued concerning civil, criminal and youth cases, as well as the number of times drop-in/telephone advice is given and the number of duty counsel cases which are handled. The change in workload in these areas in the Thompson office was compared to the change over the rest of the Legal Aid system in Manitoba.

We compared two 12 month periods: January - December, 1987 and May, 1988 - April, 1989. Table 16 summarizes the results of this analysis, showing cases per month for Legal Aid staff lawyers in Thompson, The Pas, and the rest of the LAM offices. This allows a comparison of the two northern LAM offices -- one which was affected by introduction of the Northern Paralegal Project, and one which was not.

Table 16 also provides data for private lawyers who provide services for LAM in the north. The statistics for private lawyers do not distinguish between the Thompson and The Pas areas, both of which are included in the Northlands area of LAM.

LAM staff in Thompson have seen a large increase in the number of civil certificates issued. While civil certificates increased by 28% in the Thompson office, they decreased by 27% in The Pas and increased by only 8% in the rest of the LAM system. Among the private lawyers, the number of civil certificates issued also increased much more rapidly in the north than in the south. These figures suggest that the Northern Paralegal Project has resulted in an increase in the number of civil certificates issued, either by LAM staff lawyers or by private lawyers, which is in keeping with the impressions of Thompson Legal Aid Staff.

Table 16
Comparison of Manitoba Legal Aid Activity Statistics
Before and After Introduction of the Northern Paralegal Project

	Average Cases Per Month:			% Change
	Jan-Dec 1987	May/88 - Apr/89	Change	
CERTIFICATES ISSUED:				
<u>Civil Cases</u>				
All LAM Staff	164	175	11	7 %
Thompson LAM Staff	13	17	4	28 %
The Pas LAM Staff	12	9	-3	-27 %
Remainder LAM Staff **	139	150	11	8 %
All Private Bar	495	552	57	12 %
Northlands* Private Bar	17	24	6	36 %
Remainder Private Bar	478	529	51	11 %
Total (Staff & Private)	659	727	68	10 %
<u>Criminal Cases</u>				
All LAM Staff	263	247	-16	-6 %
Thompson LAM Staff	36	43	7	20 %
The Pas LAM Staff	24	28	4	18 %
Remainder LAM Staff **	203	175	-28	-14 %
All Private Bar	756	716	40	-5 %
Northlands* Private Bar	17	26	9	52 %
Remainder Private Bar	739	690	-49	-7 %
Total (Staff & Private)	1,019	963	-56	-6 %
<u>Youth Cases</u>				
All LAM Staff	155	147	-8	-5 %
Thompson LAM Staff	17	17	-1	-3 %
The Pas LAM Staff	7	10	3	43 %
Remainder LAM Staff **	131	121	-10	-8 %
All Private Bar	167	163	-4	-4 %
Northlands* Private Bar	3	4	1	29 %
Remainder Private Bar	164	159	-5	-3 %
Total (Staff & Private)	323	311	-12	-4 %
DROP-IN/TELEPHONE ADVICE				
All LAM Staff	1,321	1,337	16	1 %
Thompson LAM Staff	103	182	75	70 %
The Pas LAM Staff	112	136	24	21 %
Remainder LAM Staff **	1,102	1,020	-83	-8 %
All Private Bar	67	79	13	19 %
Northlands* Private Bar	0	0	0	0 %
Remainder Private Bar	67	79	13	19 %
Total (Staff & Private)	1,387	1,416	29	2 %

Table 16 (Continued)
Comparison of Manitoba Legal Aid Activity Statistics
Before and After Introduction of the Northern Paralegal Project

	Average Cases Per Month:			% Change
	Jan-Nov	Jan-Nov	Change	
	1987	1988	(88-87)	
DUTY COUNSEL				
All LAM Staff	2,119	2,184	66	3 %
Thompson LAM Staff	222	195	-26	-12 %
The Pas LAM Staff	104	90	-14	-13 %
Remainder LAM Staff **	1,793	1,899	106	6 %
All Private Bar	191	104	-87	-46 %
Northlands* Private Bar	21	28	7	33 %
Remainder Private Bar	170	76	-94	-55 %
Total (Staff & Private)	2,309	2,288	-21	-1 %

* Northlands LAM area includes Thompson and The Pas.

** Total minus Thompson and The Pas LAM Staff.

Adult criminal certificates increased in the north, while they were decreasing in the rest of the Legal Aid system in Manitoba. Similar rates of increase were experienced by Thompson LAM staff (20%) and LAM staff in The Pas (18%), while the Northlands private lawyers experienced a 52% increase in criminal certificates. At the same time, other Legal Aid staff experienced a decrease of 14% in criminal certificates, and other private lawyers had a decrease of 7%. As one would expect, this suggests that differences in criminal certificate trends are related to northern socio-economic or administrative factors rather than to the Northern Paralegal Project.

A different pattern emerges from the table concerning youth certificates issued. The Thompson office experienced a slight decrease in youth certificates, while The Pas LAM staff and private lawyers in the north experienced a large increase. The rest of the LAM system, like Thompson, had a decrease in youth certificates.

Drop-in and telephone advice increased by 70% in the Thompson office, substantially higher than the 21% increase in The Pas. Legal Aid staff elsewhere experienced a decrease in drop-in and telephone advice. Since one of the primary tasks of the northern paralegals is to provide such advice, it seems clear that the increase in Thompson is mainly

attributable to the project.

The statistics concerning duty counsel work do not provide direct evidence of an impact by the Northern Paralegal Project. Duty counsel work by Thompson staff has decreased, but it has also decreased in The Pas by a similar percentage. However, among the private bar, there has been a rapid (33%) increase in duty counsel work in the Northlands area, along with an even greater (55%) decrease in the rest of the province.

This increase in private duty counsel work in the north may be explained by the need to assign civil cases to LAM staff lawyers. As the Northern Paralegal Project has increased the number of civil cases, an increasing proportion of Legal Aid's criminal and duty counsel work has been assigned to private lawyers who constitute Legal Aid Manitoba's backup resource. In fact, the increase of civil work in Thompson has been such that one LAM lawyer has been assigned this work on a part-time basis since the project began.

Duty counsel statistics do, however, show a decrease in the number and percentage of youth cases since the Northern Paralegal Project began (see Table 17). Duty counsel statistics for the 1987 calendar year were compared to the most recent 12 month period for which data was available, April, 1988 through March, 1989. While the average number of youth and adult duty counsel cases remained constant in the four comparison communities of Oxford House, Split Lake, Nelson House, and Garden Hill, the average number of youth cases dropped slightly in the project communities and the average number of adult cases increased substantially. The result was that the proportion of youth cases in the project communities fell from 35% to 29%. This remains higher than the percentage of youth cases in the comparison communities (26%).

Table 17 also shows that total duty counsel work was increasing in the project communities, while numbers of cases handled by LAM lawyers in Thompson was decreasing. This supports the view that LAM lawyers have been required to do more civil work, while duty counsel work has been

increasingly assigned to private lawyers.

Table 17
Youth and Adult Duty Counsel Cases
In Project and Comparison Communities
Comparing 1987 Calendar Year With April, 1988 - March, 1989 Period

	1987	1988/89
<u>Project Communities</u>		
Youth Cases Per Month	25.5	23.8
Adult Cases Per Month	46.8	57.3
Total	72.3	81.1
% Youth Cases	35%	29%
<u>Comparison Communities</u>		
Youth Cases Per Month	7.2	7.3
Adult Cases Per Month	20.8	20.8
Total	28.0	28.2
% Youth Cases	26%	26%

We also examined the impact of the project on time use by the LAM lawyers in Thompson. As Table 18 shows, there have been a number of major changes in time use by the Thompson lawyers since the introduction of the project. Time spent by the lawyers on civil certificates has doubled as has time spent on certificate work with youths and on informal civil files. Time spent on informal criminal files has jumped from 2 to 15 hours per month. Adult criminal and youth certificate work are both up substantially. On the other hand, duty counsel work time has fallen substantially, as has professional development time, drop-in and telephone advice and "other" work time. The reduction of time in duty counsel work and drop-in/telephone advice, and the increase in civil work reinforces our findings in Table 16.

Quarterly Duty Counsel Trends For Adults and Youth In Project Communities January, 1987 - March, 1989

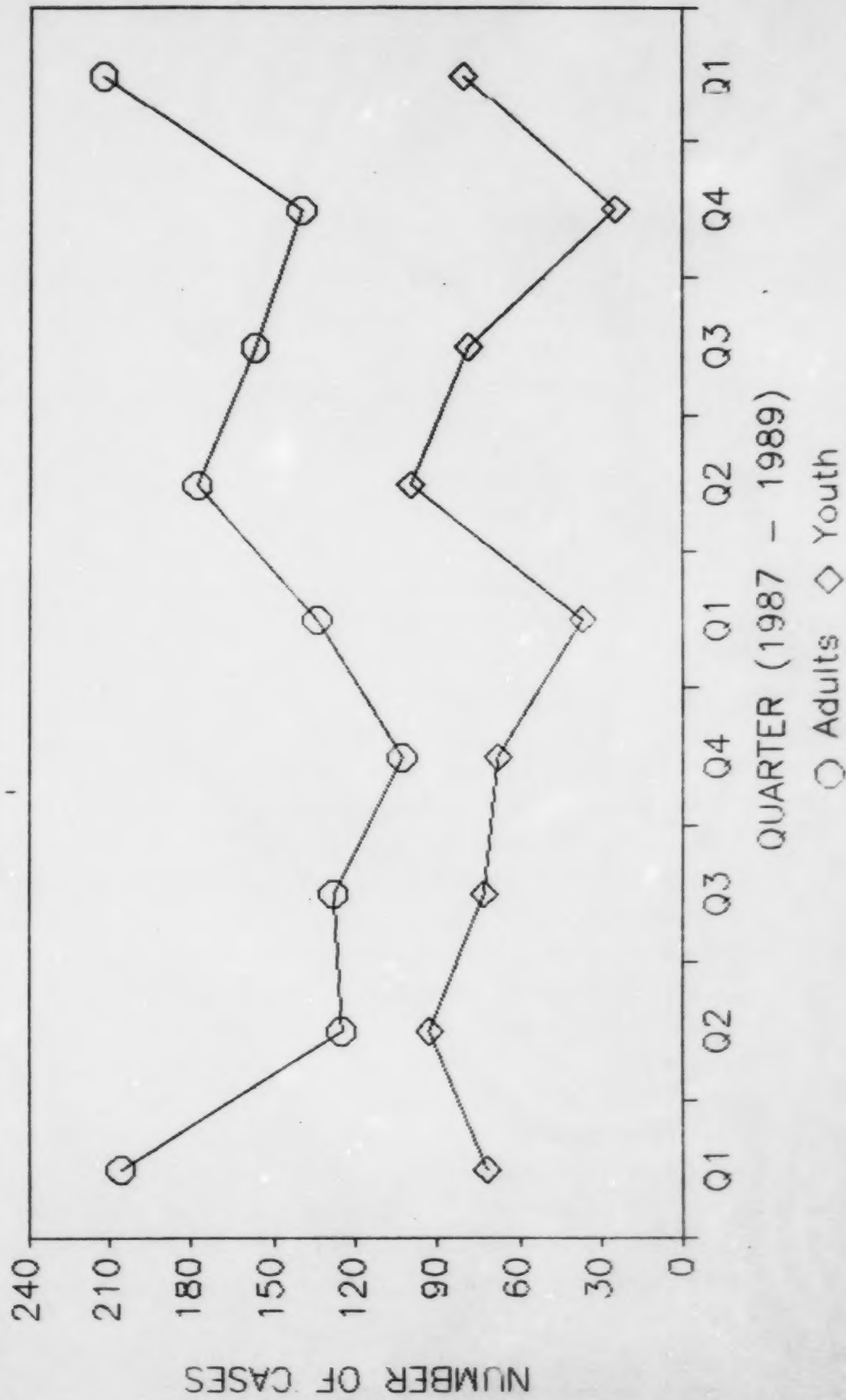
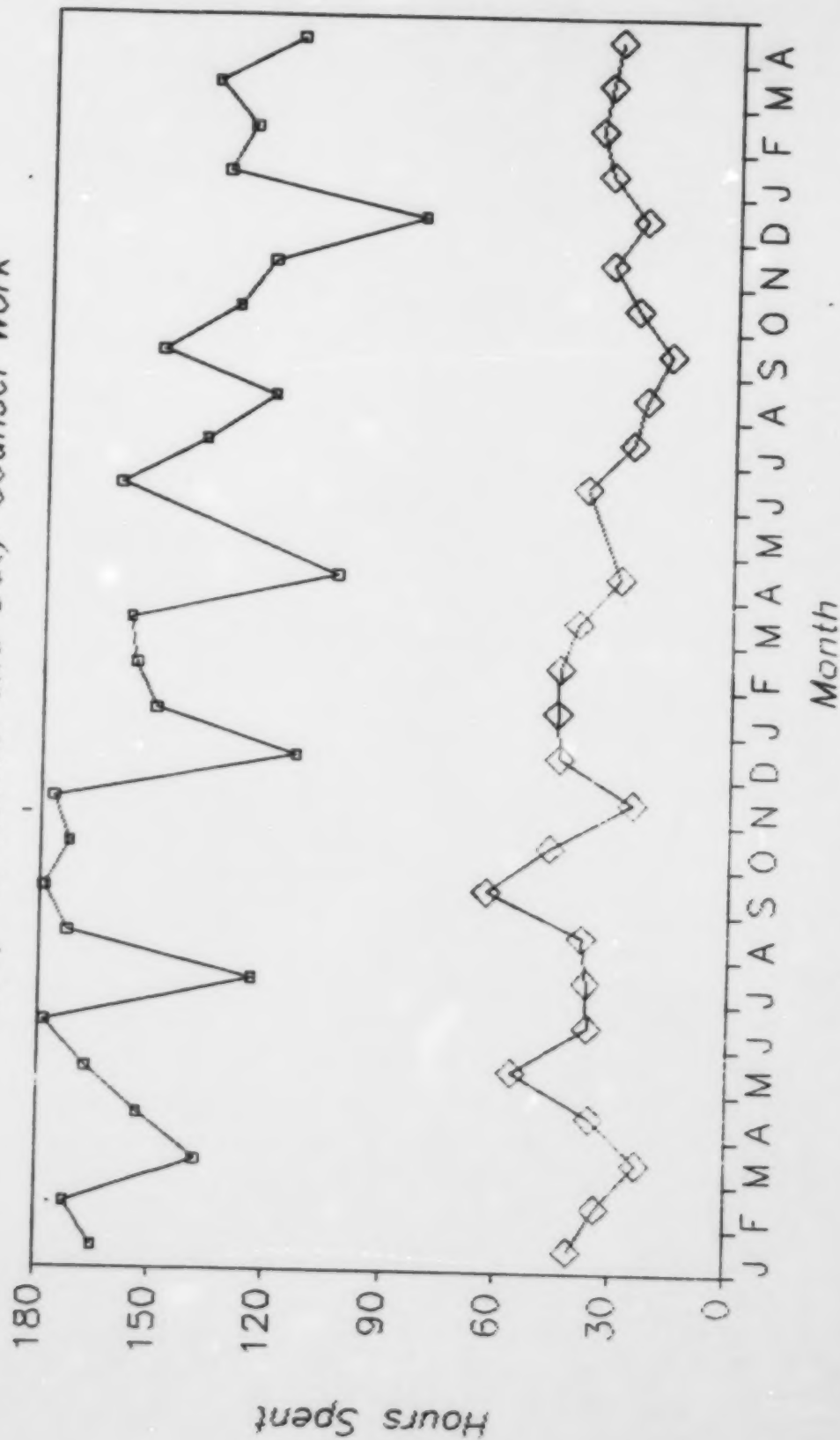


Table 18
Time Use By Legal Aid Lawyers
Jan-Oct, 1987 and Jan-Oct, 1988

AVERAGE HOURS PER MONTH:				
Code	Description	Jan-Dec 1987	May/88- Apr/89	Change
1	Certificate Time, Adult Criminal	126.5	156.4	29.9
2	Certificate Time, Youth (Federal)	31.8	40.7	8.9
3	Certificate Time, Civil	40.6	80.3	39.6
4	Duty Counsel, Adult Criminal	111.7	94.3	-17.4
5	Duty Counsel, Youth	44.8	33.4	-11.5
6	Duty Counsel, Civil	3.2	1.4	-1.7
7	Telephone and Drop-In Advice, Crim.	17.9	14.1	-3.8
8	Telephone and Drop-In Advice, Civil	22.1	15.4	-6.7
9	Certificate Time, Youth (Prov'l.)	0.7	1.3	0.7
10	All Other Youth Work (Not 2, 5, 9)	1.6	2.9	1.2
11	Informal File, Criminal	1.8	15.0	13.3
12	Informal File, Civil	0.9	1.8	0.9
13	Institutions	0.0	0.8	0.8
14	Community Work	0.8	3.5	2.7
15	Public Legal Education	2.3	2.7	0.4
16	Law Reform	0.3	4.8	4.5
17	Staff Committees	2.7	3.3	0.6
18	Staff Training	5.1	2.5	-2.5
19	Professional Development	43.1	19.9	-23.2
20	Area Director	0.0	0.0	0.0
21	Administration	73.1	79.8	6.7
22	Other	20.9	8.8	-12.1
TOTAL		662.1	712.4	50.3

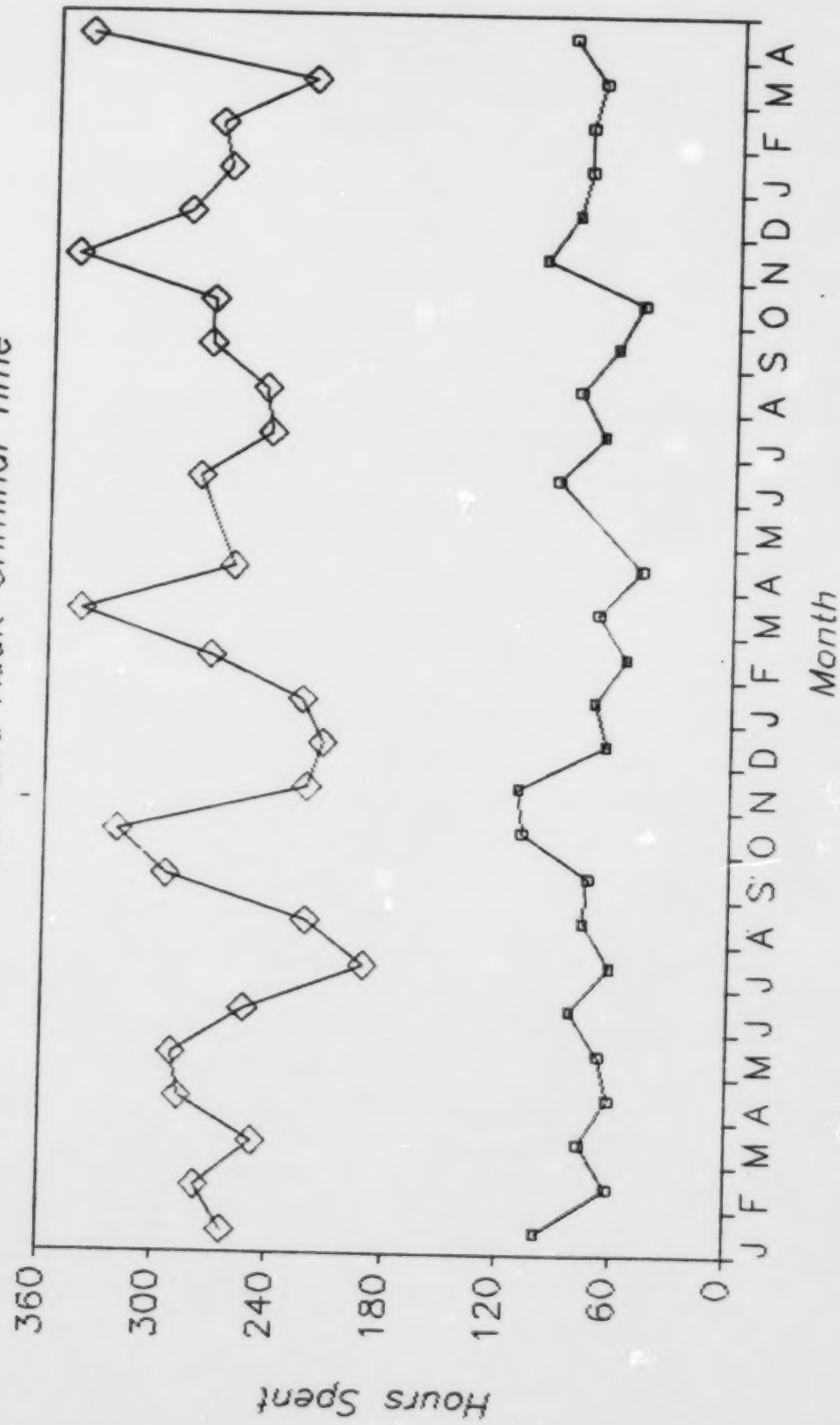
It has been suggested to us that there may be, as a result of the Northern Paralegal Project, a reduction in the number of people on the criminal docket in courts held in communities where the paralegals are working, because of better screening and preparation of criminal cases, and consequently fewer remands. In order to explore this question, we obtained the community court docket summaries for the period from January, 1987 through April, 1989. If the project was reducing the number of criminal cases, or if it was resulting in more efficient scheduling of cases, we would expect to see a relative reduction in the number of adults and youths appearing in the community courts after the project took effect. Therefore, we compared the 1987 calendar year to the most recent 12 month period for which data was available, May, 1988 - April, 1989. The numbers of adults and youths in the project communities per month were compared to the average numbers of adults and youths in the four comparison communities (Garden Hill, Oxford House, Split Lake, and Nelson House).

Thompson Lawyers' Time Use Trends
January, 1987 through April, 1989
Drop-In Advice and Duty Counsel Work



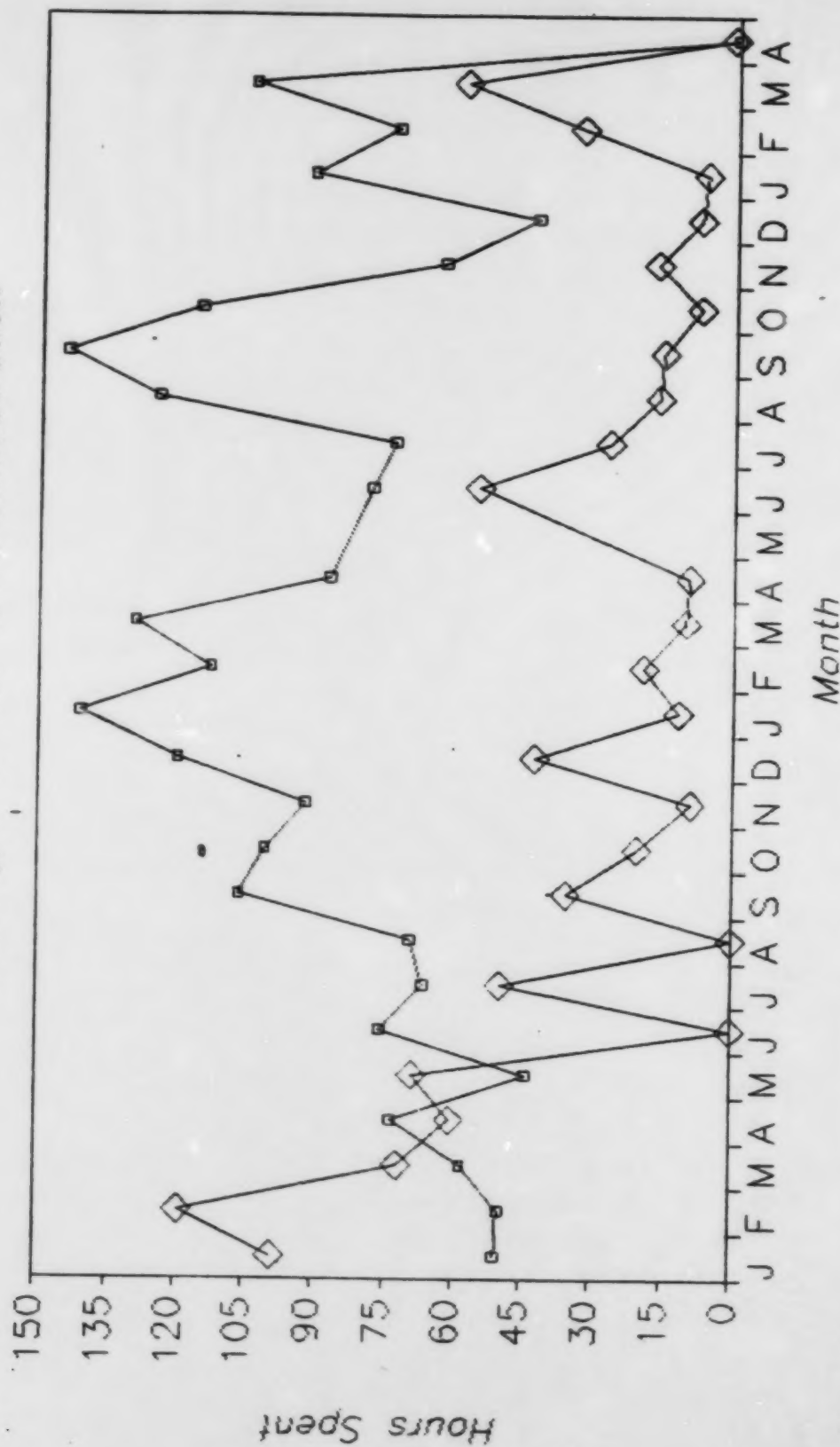
Note: Data for May, 1988 not available.

*Thompson Lawyers' Time Use Trends
January, 1987 through April, 1989
Youth and Adult Criminal Time*



Note: Data for May, 1988 not available.

Thompson Lawyers' Time Use Trends
January, 1987 through April, 1989
Training/Prof Dev and Administration



◇ Training & Prof Dev □ Administration

Note: Data for May, 1988 not available.

While the numbers of both youths and adults appearing in courts increased in the comparison communities, these numbers decreased in the four project communities between 1987 and 1988/89. (See Table 19.) Individually, three of the project communities had fewer adults appearing, and three had fewer youths appearing in 1988/89 than in 1987. Cross Lake had a slight increase in numbers of adults appearing, while Norway house experienced a very small increase in the number of youths appearing. These figures suggest that the Northern Paralegal Project may have reduced the number of people appearing on community court dockets, perhaps by providing better information and communication between the court and the clients. However, this does not imply a reduction in the crime rate or a decrease in the length of time required to deal with a case once it is in court.

Table 19
Number of Adults and Youths Appearing in Community Courts
Project and Comparison Communities, Jan-Dec/87 and May/88-Apr/89

COMMUNITY	ADULTS APPEARING/MONTH			YOUTHS APPEARING/MONTH		
	87	88/89	Change	87	88/89	Change
Cross Lake	58	61	6%	9	8	-6%
God's Lake Narrows	44	37	-16%	30	10	-67%
Norway House	64	51	-20%	21	21	1%
Shamattawa	25	20	-19%	22	13	-43%
4 Project Communities	214	173	-19%	84	53	-37%
4 Comparison Cmties	67	81	21%	29	29	3%

Note: Numbers per month have been rounded; percentages reflect unrounded values.

Last, we obtained crime statistics for the project communities and the comparison communities to provide some perspective on general crime rates and trends in the project communities and in other northern comparison communities. Consistent data was not available for the period prior to 1988 because of changes in the distribution of RCMP resources in the north. In particular, Shamattawa and God's Lake Narrows did not have their own RCMP detachments until January, 1988. Therefore, our data only cover the period from January through March, 1989.

Table 20
Comparison of Crime Statistics
Project and Comparison Communities
(Based on Data for January, 1988 - March, 1989)

COMMUNITY	CRIME RATE/1,000/Year			
	PERSONS	PROPERTY	OTHER	TOTAL
<u>Project Communities</u>				
CROSS LAKE	66	60	108	234
GODS LAKE NARROWS	145	190	338	673
NORWAY HOUSE	64	55	132	251
SHAMATTAWA	194	123	285	602
Sub-total	87	82	166	334
<u>Comparison Communities</u>				
ISLAND LAKE	30	28	21	63
OXFORD HOUSE	46	43	118	166
SPLIT LAKE	45	59	33	110
NELSON HOUSE	85	67	66	174
Sub-total	51	47	55	123

As Table 20 shows, crime rates in the four project communities are much higher than in the comparison communities. The rate is especially high in Shamattawa and God's Lake Narrows. The difference between the project and comparison communities is greatest for "other" criminal offences which are three times as common in the project communities as in the comparison communities.

As Table 21 shows, crime rates have been increasing in both the project communities and in the comparison communities over the past year. While crimes against persons have not changed appreciably in project communities or comparison communities, property crimes and other crimes have fluctuated. In the project communities, property crimes were twice as high in the first quarter of 1989 as they were in the first quarter of 1988, but "other" crimes had dropped by 16%. In the comparison communities, property crimes were up by 13%, while "other" crimes were up by 53%.

Table 21
Change in Numbers of Offences/1,000 Residents In Project and Comparison
Communities Between the First Quarters of 1988 and 1989

	PERSONS	PROPERTY	OTHER	TOTAL
PROJECT COMMUNITIES	1.2%	100.9%	-16.0%	13.1%
COMPARISON COMMUNITIES	0.0%	13.0%	52.8%	19.7%

2.6 Impact on Numbers and Types of Related Social Issues

Issue #8: To what extent have northern paralegals affected the number and types of social issues that are brought forward for legal remedy?

The presence of the paralegals has facilitated the work of the Public Interest Law Centre in northern Manitoba. Since the project was established the P.I.L.C. has identified four public interest cases in the north which are currently being researched. The Centre feels that if the paralegals were not in place they would not have been able to identify and develop any of these cases. The issues which have been raised have included Indian membership and housing rights under bill C-31, special education services for the disabled, absence of a northern remand facility, and hydro damage compensation. It should be noted that Public Interest files tend to be directed toward setting precedents, and therefore are more complex and detailed than most other cases. Therefore, although the number of cases is small, it represents a substantial increase in access to legal services addressing northern and native issues.

3.0 FINDINGS REGARDING OPERATIONAL ISSUES

3.1 Impact of Community Conditions on Paralegals

Issue #7: Under what community conditions are paralegals most effective? Least effective?

The interim and final surveys did not specifically ask questions concerning the impact of community conditions on the role of paralegals. However, one major issue raised was whether all of the communities were equally in need of paralegal services. In the first interim survey it was suggested in one group interview of LAM Thompson staff that Norway House was sufficiently well-organized and serviced that the Paralegal Project was inappropriate in that community. Again, in the second interim survey one Legal Aid lawyer suggested that a paralegal was not needed in Norway House due to the availability of regular lawyers' services. The final report data presented in section 2.2, Issue #2 indicate that clients and lawyers have more difficulty communicating in the less developed and more isolated communities of God's Lake Narrows and Shamattawa than in Cross Lake or Norway House (although communications difficulties were noted for over 20% of lawyer-client pairs in all four communities and service use was high in both Cross Lake and Norway House). Similarly, LAM lawyers felt that paralegals were more effective when they were involved in God's Lake Narrows and Shamattawa cases.

In the second interim survey the paralegals were asked about the impact of community politics on their work. The paralegals saw no problems. However, in the final survey of paralegals the paralegal serving Norway House and God's Lake indicates that local politics interferes with her work.

In the first interim report the evaluator noted one area which may draw the paralegals into community conflicts: public interest law. The paralegals continue to do some work in this area in conjunction with the Public Interest Law Centre of Legal Aid Manitoba. The staff of the

Centre acknowledged that this work may set the paralegals against organizations, including Indian governments, within the communities they serve. Since the initial stages of the project there have been no further public interest law problems reported by the paralegals.

The community leaders surveyed said that they are not aware of any community problems caused by the work of the paralegals.

The four target communities appear to fall into two groups in terms of development and "sophistication": the relatively more developed Norway House and Cross Lake, and the relatively underdeveloped and isolated God's Lake Narrows and Shamattawa. By happenstance, the paralegal most interested in, and oriented to, "soft" community development (building basic linkages to and within the community, and providing very basic socio-legal education) serves Shamattawa (far and away the least developed community) while the more technically oriented paralegal serves Norway House (the most developed community). The opinion of LAM management and anecdotal evidence indicates that this distribution of community responsibility is most appropriate. LAM lawyers emphasized that paralegals are effective in a variety of ways, but that, because of being native and speaking Cree the paralegals had an initial credibility and could begin communicating more quickly than a non-native lawyer would.

The reader is referred to the discussion concerning how paralegals should be linked to the communities they serve for further information relevant to this issue (see section 3.6, Issue #12).

3.2 Paralegal Time Allocation

Issue #8: How do the paralegals allocate their time?

In order to assess time use we depended on summaries of the time sheets completed by paralegals. This is a system for recording hours worked in 23 categories, and is the same system used by Legal Aid lawyers. While this system does not cover travel time explicitly, we

understand that paralegals' travel time is included within other categories, such as duty counsel time. We have also been able to supplement the time recorded in this way with the paralegals' daily recording of time spent in each community or in travel. These daily reports have been completed since December, 1988.

Table 22
Change in Time Use By Paralegals
Sept/87-Apr/88 Compared To Sept/88-Apr/89

		Average Hours Per Month:		
		1987-1988	1988-1989	Change
1	Certificate Time, Adult Criminal	7 (2.3%)	4 (1.4%)	-2
2	Certificate Time, Youth (Federal)	2 (0.5%)	1 (0.4%)	0
3	Certificate Time, Civil	4 (1.3%)	16 (5.3%)	12
4	Duty Counsel, Adult Criminal	17 (6.0%)	22 (7.4%)	5
5	Duty Counsel, Youth	6 (2.1%)	10 (3.3%)	4
6	Duty Counsel, Civil	1 (0.2%)	1 (0.2%)	0
7	Telephone and Drop-In Advice, Crim.	1 (0.5%)	18 (6.1%)	17
8	Telephone and Drop-In Advice, Civil	4 (1.4%)	37 (12.5%)	33
9	Certificate Time, Youth (Prov'l.)	1 (0.4%)	0 (0.0%)	-1
10	All Other Youth Work (Not 2, 5, 9)	21 (7.3%)	44 (15.0%)	24
11	Informal File, Criminal	0 (0.1%)	1 (0.2%)	1
12	Informal File, Civil	1 (0.2%)	3 (1.0%)	2
13	Institutions	0 (0.0%)	0 (0.0%)	0
14	Community Work	12 (4.2%)	15 (5.2%)	3
15	Public Legal Education	0 (0.0%)	1 (0.4%)	1
16	Law Reform	0 (0.0%)	0 (0.0%)	0
17	Staff Committees	0 (0.0%)	0 (0.1%)	0
18	Staff Training	41 (14.3%)	7 (2.3%)	-34
19	Professional Development	0 (0.1%)	9 (3.2%)	9
20	Area Director	0 (0.0%)	5 (1.8%)	5
21	Administration	34 (11.7%)	86 (29.1%)	53
22	Other	137 (47.5%)	7 (2.2%)	-130
23	Public Interest Law	0 (0.0%)	8 (2.8%)	8
TOTAL		288 (100.0%)	297 (100.0%)	8

As Table 22 (above) shows, there are a number of differences between the way paralegals allocated their time in the initial months of the project and more recently. The major differences are that civil certificate work, other youth work, and drop-in and telephone advice have increased substantially. Collectively these categories of work have almost tripled, going from 30 hours per month during the 1987-88 period to 86 hours per month during the 1988-89 period. On the other hand, the amount of time categorized as "Other" has dropped dramatically, as the paralegals have become more conversant with the recording system. Training time has also gone down by 34 hours per month, while

professional development time has increased by 9 hours per month, reflecting the shift from an initial intensive training effort to a less intensive professional development program for the paralegals.

If we try to match these categories with the paralegals' job description we arrive at the following comparison (see Table 23). This table again shows how the time use by paralegals has shifted since the project began, this time in relation to the categories identified in the paralegal job descriptions. The amount of time spent operating drop-in clinics has increased to more than one-quarter of paralegals' time. The proportion of time spent assisting duty counsel in circuit court and in community legal education work has also increased somewhat.

Time spent in administration forms the largest single block of time, amounting to more than 30% of paralegals' time over the past year. There has also been a great decrease in time recorded as "other" which reflects the early stages of the project when paralegals were unfamiliar with the recording categories. Training time has also gone down, as already noted. Travel time is not identified separately.

Table 23
Comparison of Paralegals' Time Use
Sept/87-Apr/88 and Sept/88-Apr/89

Job Activity	Percent of Recorded Time	
	87/88	88/89
a. Preparation for circuit court. [Categories 1,2,3,9,10]	8.2%	14.6%
b. Operating drop-in clinics in communities. [Categories 7,8,10,11-13]	5.7%	27.3%
c. Assisting Legal Aid duty counsel at circuit court. [Categories 4,5,6]	8.3%	10.9%
d. Correspondence and memoranda relating to a, b, and c above.	(included in a,b,c)	
e. Drafting documents.	(included in a,b,c)	
f. Community legal education and assistance to community groups. [Categories 14,15,23]	4.3%	8.4%
g. Interpreting at court when needed.	(included in c above)	
h. Training and professional development. [Categories 18,19]	14.4%	5.5%

Table 23, Continued
Comparison of Paralegals' Time Use
Sept/87-Apr/88 and Sept/88-Apr/89

Job Activity	Percent of Recorded Time	
	87/88	88/89
i. Administration. [Categories 20,21]	11.7%	30.9%
j. Other. [Category 22]	47.5%	2.2%
k. Travel.	(included in other headings)	

The paralegals' job description identifies target proportions of time to be devoted to various types of work. Time recorded by paralegals can be compared to these targets, as shown in Table 24. Paralegals spent much more time in administrative activities than is allowed for in the job description -- in fact one-third of their time is administrative, although the job description only allows for 5% administrative time. The percentages of time recorded for professional development and community legal education are close to those in the job description. The remaining areas all show less time recorded than is called for in the job description, and this is especially true in the area of assisting duty counsel in circuit courts. The greatest discrepancies between actual time and targeted time use, therefore, are in the areas of administration and assisting duty counsel. The relatively low time spent assisting duty counsel is related to the amount of time spent in the communities (shown in Table 22 below), but since community court schedules are beyond the control of LAM, there may be little that can be done about this discrepancy, apart from adjusting the job description to be more realistic.

The discrepancy between target and actual administrative time should be investigated so that LAM can assure itself that paralegals are making the best use of their time, and so that the job description can more accurately identify the administrative tasks which are now being recorded in this category.

Table 24
Comparison of Paralegals' Time Use
to Job Descriptions

Job Activity	Job Description (Current)	Recorded Time: Sept/88-Apr/89
a. Preparation for circuit court. [Categories 1, 2, 3, 9, 10]	20%	14.6%
b. Operating drop-in clinics. [Categories 7, 8, 10, 11-13]	35%	27.3%
c. Assisting Legal Aid duty counsel at circuit court. [Categories 4, 5, 6]	30%	10.9%
d. Correspondence and memoranda relating to a, b, and c above.	--	(included in a,b,c above)
e. Drafting documents.	--	(included in a,b,c above)
f. Community legal education and assistance to community groups. [Categories 14, 15, 23]	10%	8.4%
g. Interpreting at court when needed.	0%	0% (included in c above)
h. Professional development. [Categories 18, 19]	5%	5.5%
i. Administrative activities. [Categories 21, 22]	5%	33.1%

It should be noted that the file review and discussion with Thompson staff suggests that the paralegals' recording of time continues to be somewhat inaccurate. For example, it was not unusual to find that the time record slips, if completed at all, did not reach the office staff for recording purposes. Paralegals' and LAM lawyers' collective estimate of paralegal time use was that about 30% of the paralegals' time was spent in drop-in work, 20% assisting lawyers, 20% in case preparation, 20% in public legal education, and 10% in administration. (These estimates included travel time which was felt to be substantial -- see Table 26 below.)

As seen in Table 25, paralegals have assisted an average of 53 clients per month through drop-in clinics and telephone advice. Most of these clients (55%) have contacted the paralegals at the Thompson office. This does not mean that the clients live in Thompson, but rather that

they are making telephone contacts or visiting the LAN office on a trip to Thompson. According to the paralegals, a small portion of these contacts are people from communities other than the four project communities. (We also understand that there has been an increasing demand for the paralegals' services from some of these other communities, such as Oxford House, where people have heard of the project.)

The table shows that Shamattawa and Gods Lake Narrows average only 2 or 3 contacts per month. This small number may reflect relatively little time spent in these fly-in communities (see Table 26 below) or the reluctance of clients to be seen to be seeking legal help in small communities. In Shamattawa in particular, the meeting space for the project's drop-in clinics is in a public space in the band office, which the paralegal feels prevents clients from talking openly about their concerns. The alternative, which it seems many clients take, is to call or visit the Thompson office. In Norway House and Cross Lake the number of clients seen per month averaged 12 and 7 respectively.

Table 25
Northern Paralegals' Drop-In and Telephone Contacts
May - August, 1988 and December, 1988 - March, 1989 *
By Location of Paralegal When Contacted

Location	Total Contacts	Average Per Month
Cross Lake	58	7
God's Lake	21	3
Norway House	97	12
Shamattawa	18	2
Thompson	230	29
Total	424	53

* Data for Sept. - Nov., 1988 and prior to May, 1988 unavailable.

As Table 26 and the accompanying graph show, paralegals report that a large portion (59%) of their total work time is spent in Thompson. Another 16% is spent traveling to and from the four project communities, leaving about 25% of their time actually spent in the four communities. This time would include work in the drop-in clinics, community work, and providing assistance to duty counsel in the circuit court. At Shamattawa

and Gods Lake Narrows the amount of time in the community is equivalent to about one or two working days per month, while in Cross Lake and Norway House it amounts to three or four working days per month. In combination, the two paralegals have been averaging a total of nine days per month in the four communities.

Table 26:
Paralegals' Travel Time and Time Spent In Each Community
(December, 1988 - March, 1989)

HOURS PER MONTH							
Month	Thompson	Cross Lake	Gods Lake Narrows	Norway House	Shamat-tawa	Travel Time	Total Hrs/Mo
December	213.8	15.5	0.0	6.0	7.0	31.0	273.3
January	121.8	26.5	19.3	34.8	11.5	37.5	251.3
February	190.0	25.5	14.5	17.5	7.5	50.5	305.5
March	124.5	39.0	12.5	25.5	8.5	53.5	263.5
Hours/Mo.	162.5	26.6	11.6	20.9	8.6	43.1	273.4
Percent	59.4%	9.7%	4.2%	7.7%	3.2%	15.8%	100.0%

Source: Paralegals' daily activity reports.

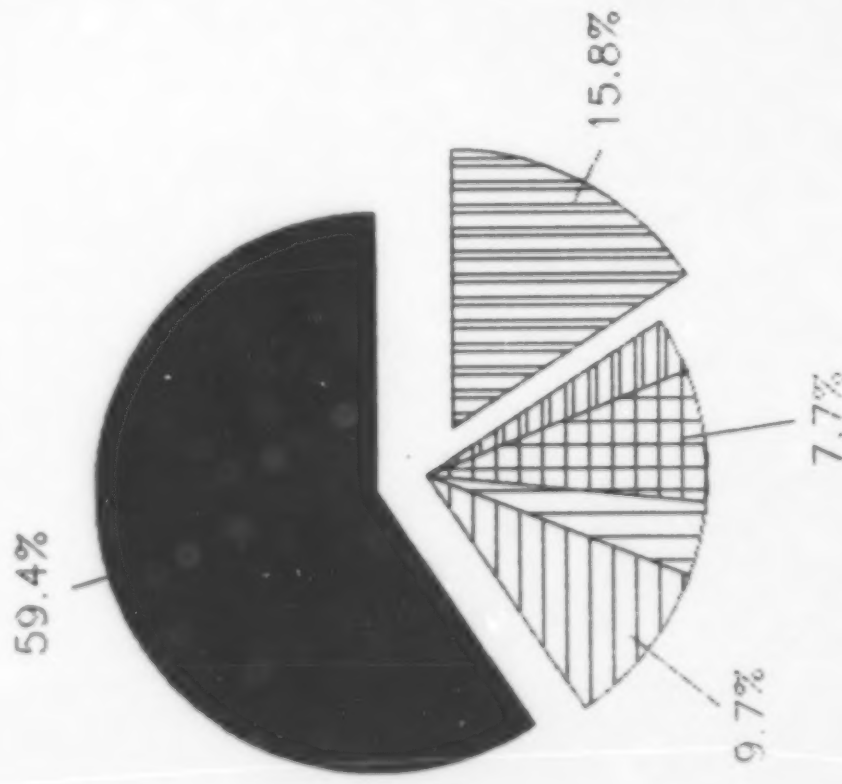
LAN lawyers in Thompson and the paralegals themselves felt that paralegals were spending an appropriate amount of time in the communities, feeling that if they were in the communities more of the time the paralegals would be drawn into local political issues to a larger extent. LAN management might clarify whether it is the intent of the project that only about 25% of the paralegals' time is to be spent in the communities.

3.3 Cost of the Northern Paralegal Service

Issue #9: What is the cost of operating an effective northern paralegal service?

There are direct and indirect costs of operating the paralegal service. Direct costs include paralegal salaries and benefits, project operational costs, and evaluation costs. Indirect costs include the cost of supervising and training the paralegals, and the cost of farming out additional cases to the private bar that otherwise could have been handled by existing LAN Thompson lawyers.

*Paralegal Time Use By Location
December, 1988 - March, 1989*



■ Thompson

▤ Cross Lake

▥ Gods Lake Narro

▧ Norway House

▨ Shammattawa

▩ Travel Time

Table 27
Time Flow of Estimated Project Expenses
(\$000's)

Month/Year	Salaries & Benefits (1)	Travel Office (2)	Dev't. (3)	Misc. (4)	Total	Eval.	Total
Sept./87	3.7	0.2	2.7	1.5	0.7	8.8	8.8
Oct./87	6.3	0.1	3.2	0.1	0.2	9.9	12.9
Nov./87	6.3	1.4	1.0	0.2	1.1	10.0	10.0
Dec./87	9.0	2.5	1.0	0.4	0.3	13.2	22.2
Jan./88	6.3	1.0	1.0	0.2	0.3	8.8	8.8
Feb./88	6.3	1.6	1.0	0.6	0.2	9.7	9.7
March/88	7.2	2.7	9.2	0.0	0.2	19.3	19.3
7 month total	45.1	9.5	19.1	3.0	3.0	79.7	91.7
7 month monthly average	6.4	1.4	2.7	0.4	0.4	11.4	13.1
April/88	6.6	2.7	1.0	0.0	0.2	10.5	10.5
May/88	9.5	2.1	0.9	0.0	0.2	12.0	12.0
June/88	6.6	4.0	0.9	0.0	0.2	11.7	11.7
July/88	6.6	2.1	0.9	0.8	0.2	10.6	15.1
Aug./88	6.6	0.8	0.9	0.0	0.2	8.5	8.5
Sept./88	6.6	1.6	0.9	0.5	0.2	9.8	9.8
6 month total	42.5	13.3	5.5	1.3	1.2	63.1	67.6
6 month monthly average	7.1	2.2	0.9	0.2	0.2	10.5	11.3
Oct./88	7.0	2.0	1.2	1.0	0.2	11.4	11.4
Nov./88	9.9	1.1	0.9	0.8	0.2	12.9	12.9
Dec./88	7.0	1.0	0.9	0.9	0.2	10.0	10.0
Jan./88	7.0	1.5	0.9	0.2	0.2	9.8	14.3
Feb./88	7.0	1.8	1.6	0.1	0.2	10.7	10.7
March/88	7.0	4.8	1.1	1.0	0.2	14.1	14.1
6 month total	44.9	12.2	6.6	4.0	1.2	68.9	73.4
6 month monthly average	7.5	2.0	1.1	0.7	0.2	11.5	12.2
19 month total	132.5	35.0	31.2	8.3	5.4	211.7	232.7
19 month monthly average	7.0	1.8	1.6	0.4	0.3	11.1	12.2

Notes:

- (1) Includes salary and benefits for two paralegals, one secretary, and 20% of the salaries and benefits of the Thompson office manager (20% of \$57.4 equals \$11.5 or \$0.6 per month, 20% is the estimated proportion of his time devoted to the Paralegal Project).
- (2) Includes rental of community office space, office equipment, and utilities (including 20% of the Thompson office administration expenses which are distributed evenly across the 19 months, 20% x \$18.0 = \$3.6 or \$0.2 per month).
- (3) Includes meeting and seminar expenses. Does not include the value of time of staff other than the Thompson office manager involved paralegal staff development.
- (4) Includes 20% of miscellaneous Thompson office administrative expenses which are distributed evenly across the 19 months (\$16.3 x 20% = \$3.2 or \$0.2 per month).

The flow of total estimated Project expenses over the first 19

months of the project is shown on the preceding page. These estimated expenses do not include the value of orientation and training time provided by LAM staff, or the value of senior (Winnipeg) management time devoted to the project. As well, these estimated expenses do not include the indirect cost of farming out additional cases to the private bar. The reader will note that costs per month have been relatively stable throughout the 19 months. Salary and benefit expenses increase with annual increments. Aside from these salary and benefit expenses costs have remained stable because as travel costs per month increased after the initial orientation period, office setup costs decreased.

The only additional cost associated with the project that the evaluator is able to estimate is the incremental cost (over and above the value of the Thompson office manager's time devoted to the project) of farming out additional cases to the private bar (assuming that the cases farmed out are only those cases that the Thompson office manager would have handled if he did not have to supervise and train the paralegals, and/or are those cases that LAM lawyers are not able to handle because of the increased cases generated by the paralegals). The number of cases per month farmed out to the private bar by the Thompson office is shown in Table 28 below.

Table 28
Number of Thompson Office Cases Farmed Out to the Private Bar
December, 1987 - May, 1989

	1987					1988					1989								
	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	Total
No. of cases	6	3	2	?	0	0	0	0	0	0	--20--	---	--7-	19	16	15			88

It is the opinion of LAM management that there would have been few if any cases farmed out to the private bar without the presence of the paralegals. Since it costs LAM an average of about \$340 per case farmed out to the private bar from the Thompson office (unlike the southern LAM offices, cases farmed out from the Thompson office generally do not include duty counsel work), the 88 cases farmed out cost an estimated \$30,000. Since this cost is much higher than the value of the Thompson

office manager's time devoted to the Project, the real cost of the project is \$251,200 or \$18,500 higher than shown in the "Time Flow of Estimated Project Expenses" table. The real, or full, project cost per month then, is around \$13,000.

The real total 19 month project cost of \$251,000 is, therefore, \$37,000 or 17% higher than the "submitted" project cost of \$214,000. Were the value of senior management time and the value of LAM staff time devoted to paralegal training included, the real cost would likely be around 20% higher than the submitted cost, or around \$260,000 (\$13,700 per month on average).

A second indicator of the cost of the Northern Paralegal Project is the worktime spent per case, other than duty counsel and drop-in casetime, in the four target communities, compared to the worktime per case, other than duty counsel and drop-in time, in four comparison communities. (This is not a cost incremental to those costs calculated above as this cost is subsumed under the cost of cases farmed out to the private bar.) The consultant gathered worktime data on 200 files closed during the first four months of 1989 (Appendix C). Half of the files were of LAM clients in the target communities and half of the files were of LAM clients in the comparison communities.

Paralegal involvement, other than time spent on intake work (which was not recorded against specific cases), was minimal in all four target communities. The paralegals recorded worktime on 24 of the 100 cases sampled, 12 of these were adult criminal cases, 4 were youth offender cases, and 8 were family cases. Half or 13.3 of the 27.2 hours of paralegal case time was devoted to family cases, but only 12 of the 100 cases were family cases in the target communities.

Overall, LAM staff, including paralegals, spent 0.7 hours less per case in the target communities (2.1 hours per case, 87% lawyer time and 13% paralegal time) than in the comparison communities (2.8 hours per case, 100% lawyer time). It is likely, especially since LAM lawyer duty

counsel time has decreased (see section 2.5, Table 18), that the total LAM time per case is lower in the target communities because of information collection efficiencies generated by paralegal involvement in the target communities. This might include paralegals taking LAM applications or participating in duty counsel work (but not paralegal involvement in the intermediate stages of case preparation which appears to be related to increased time and cost per case, see the discussion two paragraphs below). Regarding the different types of cases, LAM staff spent 1.0 hours less per adult criminal case, 0.7 hours less per youth offender case, and 1.1 hours more per family case in the target communities than in the comparison communities.

For cases where both LAM lawyers and paralegals were involved (apart from intake and duty counsel work) the average cost per case was \$114. This is based on average cost per hour figures of about \$35 for paralegals and \$40 for lawyers. In the comparison communities, where paralegals were not involved at all, the average cost per case was \$112. However, when all cases in the target communities are averaged, including those with Paralegal involvement, and those without, the cost per case was \$82. Therefore, it cost LAM \$30 less per case in the target communities than in the comparison communities. For the 100 sampled cases from the target communities, therefore, the LAM cost was \$3,000 less than the cost would have been if the average worktime per case was the same as in the comparison communities. Although the paralegals' involvement in individual cases beyond the intake stage may make them slightly more costly to the agency, the reader should understand that the paralegals tend to be involved in the more complex, and therefore costly, cases. The above comparison suggests that there is an overall efficiency introduced by the paralegals (probably in the intake stage) which allows the LAM lawyers to make better use of their time.

The above findings are summarized in the following table.

Table 29
Time per Case and Cost per Case Comparisons

Case category	Paralegals	Time Per Case:		Total	Cost Per Case
		LAM	Lawyers		
<u>Target Communities</u>					
When paralegals involved	1.1		1.9	3.0	114
When paralegals not involved	0.0		1.8	1.8	72
Total	0.3		1.8	2.1	\$ 82
<u>Comparison Communities</u>					
	0.0		2.8	2.8	112

The evaluator compared the LAM staff lawyer time per target community case sampled when the paralegals recorded worktime to the LAM lawyer time per target community case when the paralegals did not record worktime. For these cases the LAM lawyers spent an average of 1.8 hours per case when the paralegal did not record worktime and 1.9 hours per case when the paralegal recorded worktime -- the difference is minimal. Comparing the different categories of cases the greatest difference is in adult criminal cases where the LAM lawyers spent 1.9 hours per case when the paralegals did not record worktime, but 2.5 hours per case when the paralegals did record worktime. For youth offender cases the results went the other way, the LAM lawyers spent 2.0 hours per case when the paralegals did not record worktime and 1.7 hours per case when the paralegals did record worktime. For family law cases, the LAM lawyers spent 1.8 hours per case when the paralegals did not record worktime and 1.9 hours per case when the paralegals did record worktime.

At an average per case-hour LAM salary and benefit cost of around \$40, the LAM cost was \$4.00 more per case in the target communities when the paralegal did record worktime than when the paralegal did not record worktime. For the 100 sampled cases from the target communities, therefore, the LAM cost was \$400 more than the cost would have been if the average worktime per case was the same as when the paralegal did not record worktime.

The implications of the above data are twofold. One the one hand

paralegal involvement in taking LAM applications and assisting duty counsel appears to improve the efficiency of information gathering and communications and thereby reduces service costs by some 25%. On the other hand paralegal involvement in the intermediate stages of case preparation appears to slightly increase the cost per case. (In fact, the incremental cost per increment of effectiveness may be nil or reduced.) These implications are consistent with the belief of LAM management that they have hired paralegals and managed the project so as to improve the access and communications related aspects of LAM's northern service, but not to impact on the more technical aspects of case preparation.

In section 2.2, Issue #2, the data imply that the four target communities have been generating an average of 22 cases per month. At a cost saving of \$30 per case, LAM is saving around \$700 per month on direct case preparation if the number of cases would be the same without the Paralegal Project.

3.4 Paralegal Qualifications

Issue #10: What should the northern paralegals' qualifications be?

The evaluator asked this question of LAM management and the paralegals. Their responses and the knowledge, attitude, and skill requirements listed in the final job description (see Appendix D) are grouped and displayed in Table 30 for comparative purposes.

Table 30
Qualities Required of Paralegals

Quality	As Suggested By:		
	Management	Paralegal	Job Description
Knowledge			
Local culture		I-1	
Justice system	A-1/I-1*	A-1	Y
LAM structure and procedures			Y
Government organization			Y
Referral resources			Y

Table 30, Continued
Qualities Required of Paralegals

Quality	As Suggested By:		
	Management	Paralegal	Job Description
<u>Attitudes</u>			
Commitment, concern about native justice	I-1	I-1	
Persistent	I-1		
Willing to travel extensively		I-1	Y
Willing to take risks		I-1	
Assertive		I-1	
Highly motivated		I-1	
Willing to learn, not dogmatic		I-1	Y
Flexible		I-1	
<u>Skills and Abilities</u>			
Speaks Native language	I-1	I-1	Y
Speaks English well			Y
Writes English well	I-2		Y
Knows how to interview	A-1		Y
Knows how to network in cmty	I-1	I-1	
Ability to organize in cmty			Y
Organized	I-1		
Able to learn	I-1	I-1	Y
Able to explain LAM procedures			Y
Able to explain legal procedures	No/I-1*		Y
Able to maintain files			Y

Codes: I-1 - Initial requirement on recruitment, high priority
 I-2 - Initial requirement on recruitment, lower priority
 A-1 - Additional requirement to be fulfilled on the job, high priority
 A-2 - Additional requirement to be fulfilled on the job, lower priority
 No - Not required as an initial requirement.
 Y -- Included in job description

* LAM Winnipeg management, and the LAM Thompson office manager and lawyers differ on these items.

For the interim reports the paralegals and the Legal Aid lawyers were asked whether they felt paralegals could handle the workload in the communities. Both paralegals and one of the other respondents said "yes", the remainder either did not know or did not answer. For this final report, the paralegals were again asked whether they are able to handle the workload. Both again answered "yes".

This issue was also discussed with the LAM lawyers in Thompson as part of the final evaluation. The preferred qualifications of paralegals identified in these interviews are summarized below:

- a. The paralegal must be Indian or Metis and able to speak the local language.
- b. The individual must be mature with good common sense and judgement. Everyone felt that the workers should not be "right out of high school or university" but should have some real, practical life experience before getting into the area.

- c. The person should have a well-developed political consciousness and be comfortable and self-confident in their "aboriginality." In a more colloquial sense, a "born again" Indian or Metis person would have difficulty establishing credibility and maintaining community acceptance.
- d. Paralegals should have a minimum of a grade 12 education, and community college or university education in community development or social services would be helpful.

3.5 Training Required and Provided

Issue #11: What training should northern paralegals receive?

Although in the evaluation plan this issue was seen as being of a lower priority, in the interim evaluation surveys the need for continued and intensified training for the paralegals was identified by paralegals and Legal Aid lawyers. Although many skills had been learned on-the-job or through LAM sponsored training modules, the paralegals were seen to be partially skilled or lacking skills in most technical areas of legal and community work. The LAM Thompson manager and staff, and Public Interest Law Centre staff expressed concern that on-the-job training was not fully adequate to the needs of the paralegals. In part, perceptions that the paralegals lacked skills and knowledge flowed from the perception, or wish, that the paralegals were to act as technical assistants to LAM lawyers to a greater degree than LAM Winnipeg management intended. The evaluator suggested that the paralegals and other LAM Thompson staff develop a similar understanding of the paralegals' job, capabilities, performance, and the need for training. The evaluator noted that if the gap between perspectives gets too wide, the paralegals' self-confidence may be eroded or personnel problems might result.

According to information provided by LAM management the paralegals have received training through an initial orientation, a series of training modules delivered during project implementation, and through on-the-job interaction with the Thompson office manager (their supervisor) and with LAM Thompson lawyers. As will be discussed further under Issues #13 and #20, LAM senior management intended that the Thompson of-

fice manager devote 1/2 day every two weeks to on-the-job training of the paralegals. Because of his management and case workload, however, the manager still is not able to devote this amount of time to paralegal training. As well, there is no plan for using the LAM Thompson lawyers as on-the-job, lead-hand trainers.

The sequence of training provided by LAM is presented on the following page. Most training was provided by LAM staff. As was noted section 3.2, Table 23, the percentage of paralegal worktime spent on training and professional development was 14% during the first eight months of project implementation and has decreased to about 6% during the most recent eight month period for which data were available.

For this final evaluation report the evaluator used four sources to judge the appropriateness of paralegal training: a review of files that paralegals have worked on, the opinion of LAM management, the opinions of LAM lawyers in Thompson, and the opinions of the paralegals themselves.

Table 31
Sequence of Training of the Paralegals

<u>Period</u>	<u>Substance</u>
Sept. 14-18, '87	Legal Aid Manitoba: - The LAM Act, regulations, & structure - Legal Aid coverage - Other LAM programs - LAM eligibility & application process - The Northern Paralegal Project - Poverty law & Public Interest Law Centre - Legal Aid policies Legal topics: - Bill C-31 - <u>Child and Family Services Act</u> - <u>Divorce Act</u> - <u>Family Maintenance Act</u> - <u>Criminal Code</u> - Indian Affairs Welfare Manual - Thompson City Welfare By-Law - Provincial Welfare Manual - Northern Project Proposal - The difference between legal advice & legal information - Duty counsel and duty counsel duties, & the role of paralegals - Divorce, separation, and documentation Legal Aid offices and processes The paralegal and Public Interest Law Letter writing Making presentations Tour of the Manitoba Youth Centre
Sept. 21, '87	Theory and origin of common law Criminal code and procedure Court observation
Sept. 22 - Oct 2, '87	Orientation to northern organizations
Oct. 23 - 25, '87	Sexual assault workshop
Dec. 4, '87	Public Interest Law Centre follow-up & file review Legislation, statutes, & community advocacy Dealing with boards, commissions, tribunals.
April, '88	Family law - Divorce petitions and court decisions - Cases & principles re: custody, access, maintenance, & child support How to do research & use the library Sentencing consideration
June 24-25, '88	Northern Bar Conference Workshop on changes to the <u>Criminal Code</u>
July 8, '88	Introduction to Native law
Sept. 22-23, '88	Preparing documents for family court cases
Nov. 18, '88	Alternative sentence planning
Dec. 16, '88	<u>Criminal Code</u> offences & young offenders sentencing

The opinions of LAM management on the adequacy of paralegal training are split. Most of the Winnipeg head office management consider the training to be generally adequate given that they do not feel that resources have been, or will be, available for more extensive prior training and for the development and delivery of interim training modules; and given their view of the project as being primarily focussed on access to legal assistance rather than on the provision of legal assistance. Winnipeg management argue that an initial, overview orientation is necessary but that a much more in-depth orientation would not be understood without some field experience. They say that more detailed training should be done later, in short modules, as the paralegals' work shows a need for, and their qualifications and experience create the ability to connect with, the training. They recognize that there is a tension between community work skills and more technical legal skills, and that the technical skills should be, and will be, further developed.

The LAM Thompson office manager and the Director of the Public Interest Law Centre suggest that more extensive up-front training is preferable and that this up-front training should be supplemented by well-designed, appropriately sequenced modules, delivered by persons well-qualified in the topics and capable of preparing and delivering well-planned training modules.

Similar views were also held by LAM lawyers in Thompson. They suggested that an initial training period of at least three months should take place before paralegals begin working in the communities, and that this initial training might cover the following:

- a. General orientation to the legal system;
- b. General overview of the Court system;
- c. General orientation to the basic areas of law being dealt with by the paralegals on a day-to-day basis, and administrative law principles;
- d. Training and interviewing skills, dynamics of interpersonal relationships, and report preparation;

- e. Role playing, including going through a few real file situations with LAM lawyers to obtain direction in communication and interviewing techniques, and to assist paralegals in determining the nature and extent of information and guidance they might provide to clients in various situations.

For the final evaluation report the paralegals again were asked to assess the adequacy of their present skills. The responses they provided are presented in Table 32.

Table 32
Adequacy of Training as Assessed by the Paralegals

Skill Area	Number of Paralegals Giving Rating	
	Satisfactory	Unsatisfactory
Understanding LAM	2	
Understanding LAM applications	2	
Criminal rights & procedures	1	1
Sentencing	2	
Divorce rights and procedures	2	
Family maintenance rights & proced	1	1
Guardianship rights & procedures	2	
Knowledge of referral resources	2	
Completing Duty Counsel reports	2	
Youth Court procedures	2	
Effective oral communication	2	
Effective written communication	1	1
Preparation of court documents	1	1
Organizing & maintaining files	2	
Organizing & motivating people	2	

One of the paralegals feels that she requires additional training in criminal rights and procedures, family maintenance rights and procedures, effective written communications, and preparation of court documents. Both paralegals are confident that LAM will meet their training needs.

3.6 Relationship of Paralegals to the Communities

Issue #12: How are northern paralegals linked to the communities they serve? How should they be linked to be most effective?

The question of how paralegals are linked to the communities concerns the formal or structural linkages that the project establishes in order to allow the paralegals' work to be most effective.

According to information provided by the paralegals and LAN management the paralegals have been linked to their communities through an initial orientation including meetings with community leaders; through participation in community activities; through radio, TV, and poster advertising; through the provision of information to community groups; and through regular information sharing with local councils. As well, the paralegals grew up in two of the target communities (which they respectively serve) and worked in, and provided services to, the target communities before becoming employed by Legal Aid. The paralegals have built upon this base by being seen in the communities and in court, by understanding the culture, by being able to communicate with residents in the local language, and by developing the trust of residents.

Evidence from the questionnaires and interviews remains generally positive concerning the paralegals' relationship with groups in the communities. Both paralegals rate their reception in the communities as good to excellent. When asked with which community groups they need to improve their relationship, only the paralegal serving Norway House thought that she should improve her (apparently already good) relationship to the Band Council. From the information presented in the table below as well, it appears that the paralegals generally have built better relationships with the community groups in God's Lake and Norway House than with groups in Cross Lake and Shewattown.

Table 33
Paralegals' Rating of Their Relationship with Community Groups
(*1 = poor, *5 = excellent)

Community Group	Community			
	Cross L.	God's L.	Norway Hse	Shewattown
Band Constables	1*	**	2*	1
Band Council	3	5	4	3
Child Welfare Committee	n.a.	2*	3	n.a.
Community Council	4	5	5	n.a.
Court Communicators	2	4	2	2
Local Justice Committee	n.a.	**	4	n.a.
Welfare Administrator	2	3	5	**
Women's Groups	4	4	4	2

Notes: * = Little contact. ** = No contact.

Band Constables have little knowledge of the paralegals or the Para-

legal Project. A major effort to network with Band constables may not, generally, be worth the time spent. The turnover of Band constables appears to be very high; only one of the Band constables who we contacted at the commencement of the project is still a constable.

LAN lawyers who were interviewed felt that the paralegals had established appropriate relationships with the communities, and that it would not be desirable for the paralegals to spend more time in the communities than they have to this point. This semi-detached relationship was seen as helpful in keeping paralegals at arms length from the politics and day-to-day conflicts in the communities. They were also concerned that the paralegals remain formally affiliated with LAN rather than becoming a community-run or private service, since this affiliation provides the paralegals with credibility which they might not otherwise have.

Correspondence and information received from LAN management clearly shows that LAN requested meetings to inform elected community leaders and tribal council officials, and AMASIS family services agency management. This effort to inform was, not surprisingly, only partially successful. Some contacts were made, some of those targeted for meetings never responded, and some who were contacted never appeared for the meetings that were arranged. From the evaluator's extensive experience working in northern Manitoba, this result is not unusual. It takes great perseverance to successfully make person-to-person contact with local and regional leaders when there is no clear benefit to accrue to the leaders that would not occur if the contact did not take place. As well, even when person-to-person meetings do take place the information to be conveyed is often not understood or not believed until implementation has taken place over a long period of time. Again, this is neither unusual nor surprising given the alien nature of the legal system to northern aboriginal people and the degree to which government is mistrusted.

In general, it appears that, with the exception of a more persistent effort at arranging an orientation with some community leaders directed

by the Thompson office (which knows the local leadership better), rather than the Winnipeg office, the paralegals are doing a good job of relating to the communities using their backgrounds, and continuing to use the mostly informal means of networking and being seen in the community.

3.7 Management and Supervision

Issue #13: How should northern paralegals be managed and supervised?

Legal Aid Manitoba is a relatively small organization which is typically facing a heavy demand for services with limited resources. LAM is also a service organization and does not ordinarily have resources to engage in policy analysis or pilot project planning. The organization's capacity to free human resources to plan and implement a new program such as the Northern Paralegal Project are limited. Nor did LAM receive project planning funds or project planning staff assistance from the federal or provincial governments. It is important to bear this in mind as the project outcomes are reviewed.

In the first interim report the evaluator noted that management and supervision of the paralegals was a problem area, both from the point of view of the paralegals and from the point of view of Legal Aid staff, in that lines of authority, and performance standards or expectations, were not always clear. The paralegals felt that they were receiving adequate direction and guidance in terms of individual cases, but they were unsure how they are doing in a more general sense.

LAM had suggested half-day meetings every other week between the paralegals and the Thompson office manager. However, because of the workload of the Thompson office manager these meetings seemed not to have commenced until the fall of 1988. In fact, the Thompson office manager recently told the evaluator that he still is not able to always provide this time to the paralegals. The Thompson office manager told the evaluator that he should spend roughly 20% of his time (1/2 day per week

per paralegal for the first 1-2 years or 1 day total per week) on supervision and on-the-job training, but is only able to free around 10% of his time for these purposes (equivalent to the 1/2 day per week with no other supervision). His caseload, which if he were a full time LAM staff lawyer in the south would be roughly 20 cases, has been nearer to 30 cases.

As of the second interim report management and supervisory arrangements were much improved, but still were not fully sorted out. Reporting lines were clarified. There remained, however, in the views of the paralegals and of some of the LAM lawyers, inadequacies from the more general standpoint of what is expected of the paralegals at different points in time and how well are they doing against these benchmarks. The evaluator was concerned by the lack of clarity concerning how the paralegals prioritized their response to service demand, and how they determined what was acceptable and what was not acceptable as paralegal work (e.g. one of the paralegals had been doing family counselling and mediation work at the request of the local AMASIS worker).

In response LAM has now appended to the paralegal job description a list of knowledge, skill, and task expectations for the paralegals (see Appendix D). The job description and appended expectations were discussed with the paralegals and LAM Thompson staff to ensure consistent understanding. The job description, management control information system, and paralegal appraisal framework and cycle now can be integrated into a unified management control system. Now that most of these issues have been dealt with (except for the problem of available supervisory time), the management control system can better cope with additional paralegals if the number of paralegals is to be increased in the future.

The evaluator's recent discussions with LAM management brought forth a number of other issues that created operational difficulties. As paralegal job and skill expectations, and managerial and casework relations were either uncertain or not well communicated within LAM, a whole series of role, interaction, and management information system reporting issues

required clarification -- especially within the Thompson office, and between Winnipeg and Thompson management. It took a while for all of this to be settled and, in the meantime, some personal relationships within the Thompson office became strained. In particular, it would have been preferable had the following issues been clarified at the outset among those to be likely affected by the paralegals' presence:

- * the meaning of the paralegal role and job description in more operational terms
- * supervisory demands and responsibilities
- * training demands and responsibilities
- * supervisory and casework training capacity of Thompson office staff
- * caseload monitoring and workload adjustment methods
- * casework relationships with LAM lawyers
- * secretarial demands
- * management information system documentation and flows
- * the relationship of paralegal salaries to beginning lawyer and legal secretarial salaries

In addition, LAM lawyers emphasized that paralegals need to be formally incorporated into the office management system by providing for regular feedback, training and orientation, and regular evaluations. It was strongly recommended that no program expansion or extension be undertaken until the internal management system had been reviewed and formally established.

The paralegal role, workload impact, and supervisory-lead hand issues were particularly important to estimate, monitor, and make adjustments to. Many LAM Thompson staff (as well as most court party staff) believed and hoped that the paralegals were going to be, if not immediately then within a relatively short period of time, as much, if not more, technical assistants to the lawyers (and court) than defense lawyer-client and LAM-community communicators. This belief persisted well into the second year of the project. Consistent with this belief,

was the belief (shared by some of LAM Winnipeg management despite their preferred emphasis on the paralegal role being primarily that of lawyer-client and LAM-community communicators) that while the paralegals might initially generate some additional workload, by the end of the two year period they would be able to provide enough casework input to cause a near neutral impact on the Thompson office workload. Instead, as shown in section 2.5, Issue #5, and section 3.3, Issue #9, caseloads from the target communities increased greatly and the paralegals contributed very little to the legal case preparation although they did improve the efficiency with which cases were handled by LAM lawyers. Finally, because of some mixture of inadequacies in the LAM management information system, inability to use management information system information in decision-making, changes in Winnipeg management, and lack of alternate resources, adjustments came late and have not been fully sufficient to achieve a "normal" caseload per staff balance in the Thompson office.

3.8 Relationship of Paralegals to Their Clients

Issue #14: How should northern paralegals relate to the client?

We asked the paralegals about their relationship to their clients. Both paralegals rate their relationship with clients as excellent. Neither paralegal perceives there to be any trouble communicating with clients and both feel they are able to fulfill their clients' expectations.

It was pointed out, in section 2.2 Issue #2, that LAM lawyers find the paralegals effective in improving communication with clients in general and especially when clients have difficulty understanding the lawyer. In interviews with LAM lawyers paralegals were described as communicators, educators, and advocates. None of the lawyers in Thompson suggested that paralegals were extensions of the LAM administration responsible for completion of reports and other file documentation. This role was seen as only incidental to the primary paralegal function as a bridge between the "system" and the individuals in need of legal services.

Table 34
Impact of Paralegal Case Involvement as Perceived by Clients

	Who received assistance from paralegals	Who did not receive asst from paralegals	Differ- ence
Felt that their interests were understood	73%	80%	-7%
Claim they understood the advice they were given	91%	82%	9%
Felt they received the help they wanted	73%	72%	1%
Were satisfied with the assistance they received	100%	*	*
Felt that it helped to go to LAM	84%	67%	17% **
Would go to LAM again	69%	67%	2%

* For unknown reasons none of the clients who did not receive assistance from the paralegals answered when asked whether they were satisfied with the assistance they received.

** This difference is statistically significant at the 95% probability level.

The above results of the survey of paralegal clients (Appendix E) provides limited support for the hypothesis that paralegal involvement improves the quality of casework from the viewpoint of clients. The results which suggest that the paralegals have had a positive effect are:

- * that 100% of those clients who received assistance from the paralegals were satisfied with the assistance they received,
- * that 91% felt that they were given advice they understood (compared to 82% in the comparison communities),
- * and 84% felt that it helped them to go to LAM for assistance (compared to 67% in the comparison communities).

This last result was the only statistically significant difference between the two groups of clients surveyed. Surprisingly, a higher percentage of clients who were not helped by the paralegals felt that their interests were understood. Therefore, while these results are mixed, they tend to support the view that the paralegals have improved services as perceived by the clients.

The file review also tended to support the view that the paralegals had performed effective services, although these services were not always of a technical or administrative kind. Interviews with LAM lawyers

emphasized the effectiveness of paralegals in their bridging role to clients, with secondary emphasis on their effectiveness in processing files and completing paperwork.

Finally, to reiterate the findings from section 2.4, community leaders said that the paralegals have been educating their clients about the court, about their legal rights, and about the meaning of charges and sentences. Both the paralegals and LAN lawyers said that clients are more willing to speak to the lawyers and to the court, to more frequently demand a trial, and to plead "not guilty" more often.

3.9 Relationship of the Paralegals to the Court Party

Issue #15: How should northern paralegals relate to the court party?

Soon after it received funding, pressure was placed on the project by the announcement of funding by the Manitoba Attorney-General. This announcement gave the impression to many working in the northern justice system that the Northern Paralegal Project was designed primarily to help streamline the circuit court system and make it run more efficiently, rather than it being primarily a service provided by Legal Aid to its clients.

Because of this announcement and because of the natural interests of court party personnel in easing their work, in our earlier surveys of northern judges and magistrates we not surprisingly found there was some confusion about the paralegals' role, and a tendency to expect the Paralegals to serve primarily to improve court efficiency. Although the opinions of judges and magistrates were not solicited for the final report, the paralegals indicate that the quality of their relationship to these members of the court party remains mixed.

As for the court communicators, the paralegals report that work re-

relationships are not as strained as they initially were when court communicator staff felt threatened, and when some judges erred from time to time in pressing the paralegals into court communicator roles. It is still not clear whether role compatibility has been clarified despite the substantial efforts of LAM management to work out a constructive relationship with management of the court communicators program.

Correspondence and information received from LAM management clearly indicates that LAM requested meetings with judges, magistrates, and management of the court communicators. As was the case with efforts to inform community and regional leaders, this effort to inform also was only partially successful. Again, some contacts were made and some of those targeted for meetings never responded. Partly this effort to build well-informed, constructive relationships appears to have foundered on the reefs of disinterest and misleading publicity emanating from provincial politicians prior to project implementation (to the effect that the paralegals would be facilitating speedier court proceedings).

In general, it appears that, with the exception of a more persistent effort at arranging an orientation with some members of the court party directed by the Thompson LAM office, coupled with greater assistance from the Chief Judge's office and from the Attorney-General's Department, little more could have been done to improve relations with the court party. In the end, although well-informed, better quality working relationships with the court party are preferred, the divergent interests among, and historical relationships within, the court party will continue to present barriers to more constructive work relations. The paralegals will be able to continue to provide an effective access service despite these barriers.

3.10 Relationship of Paralegals to Complementary Service Providers

Issue #16: How should northern paralegals relate to providers of complementary services?

The primary issue concerning the paralegals' relationships with other service providers, such as in Community Services and Corrections, the RCMP, and the Thompson Crisis Centre, is whether they and the paralegals are effectively cooperating where appropriate.

All of the complementary service providers contacted now have a basic or better understanding of the role of the paralegals. The AWASIS workers could use some further description of paralegals' role and activities. Most of them seem to have trouble understanding the legal process and will, therefore, require a longer history of contacts and repeated short explanations. As well, the paralegals have been, from time to time, involved on the opposite side from AWASIS of family law cases.

Relations with the probation officers, provincial family services, and the Thompson Crisis Centre are good. Most respondents noted that they share information with the paralegals, that they and the paralegals refer clients to each other, and that the paralegals generally make good use of the complementary service providers' skills, knowledge, and resources. Of particular use to the other service providers is the paralegals' legal knowledge and legal resource support, and their ability to speak Cree. The only negative comment offered by a number of respondents is that the paralegals should be in each community more often and for longer periods of time.

Relations with the RCMP are mixed, the paralegals' relations with the RCMP probably will always be limited, at least to some extent, by their adversarial positions in court. Therefore, paralegal relations with the more, shall we say "enlightened", community-based RCMP are good whereas relations with the other RCMP are distant rather than poor.

The Public Interest Law Centre notes that the paralegals are their only foothold in the north, that they are good at recognizing public interest cases, and that they are good at organizing meetings and relating to local residents. The Centre notes that the quality of the paralegals' work has improved over the course of the project and that they are more confident. The Centre also notes that the paralegals understand their role better and are more equipped to deal with the lack of collegial acceptance by all LAN Thompson staff and all of the court party. It appears that the small Centre is able to effectively control their public interest caseload and workload by requesting or not requesting new issues from LAN, and by setting the pace at which such cases are pursued.

LAN lawyers were also asked about this issue and noted that it is important that while it is important for the paralegals to get to know the other agencies operating in the communities, they should maintain a professional working relationship with and distance from these agencies.

The evaluator also surveyed the paralegals to obtain their perception of the quality of their relationship to those complementary service providers with whom they may have frequent contact. As shown in the table below, their assessment of the quality of these relationships is similar to that obtained from the complementary service providers (except perhaps one paralegal's perception of her relationship with the Public Interest Law Centre concerning work in Shamattawa).

Table 35
Paralegals' Rating of Their Relationship with
Complementary Service Providers
(-1 = poor, 5 = excellent)

Community Group	Community			
	Cross L	God's L	Norway Hse	Shamattawa
ANASIS	3	unk	unk.	2
Probation Officers	4	5	4	4
Public Interest Law Centre	4	5	5	2
RCMP	2**	2	4	4

Notes: * = Little contact. ** = Change of RCMP taking place.

In general, it appears that, with the exception of a more persistent

effort at arranging orientations with some representative of complementary service agencies directed by the Thompson, rather than Winnipeg. LAM office, the paralegals are doing a good job of relating to these agencies using their backgrounds and knowledge of the local language, and by using a mostly informal means of networking and being seen at meetings and conferences. Relations with some representatives of those agencies with whom LAM is often in an adversarial position (such as the RCMP, Band constables, and child and family service agencies) are likely to be frequently strained.

3.11 Job Descriptions

Issue #17: To what extent should paralegal activities be prescribed, and to what extent should they be flexible in relation to the client and community?

The paralegals are working from a job description that outlines their primary duties and the percentage of time they should be spending in each area, and that contains an appendix listing the skill and knowledge objectives to fulfill each duty (see Appendix D). The changes to the paralegal job description since project inception are summarized in Table 36:

Table 36
A Summary of Changes to the Paralegal Job Descriptions

Position Duties and Responsibilities	Percentage of Time Allocated to duty in Job Description No.			
	Original	#2	#3	#4
Preparation for circuit court	30%	15%	20%	20%
Operating community drop-in clinics	30%	25%	35%	30%
Assisting duty counsel	20%	25%	30%	30%
Correspondence and memoranda	10%	5%	-	-
Drafting documents	5%	5%	-	-
Assistance to community groups and legal education	5%	10%	5%	10%
Drop-in legal at the Thompson office	Min.	10%	0%	0%
Filing court documents	Min.	-	-	-
Interpreting in court and drop-ins	-	5%	-	-
Professional development	-	-	5%	5%
Administrative activities	-	-	5%	5%

The net effect of the changes appears to be to de-emphasize the paralegals' involvement in case preparation for court and to add emphasis to their duty counsel assistance, legal education work, and administrative and personal development support activities. This is consistent with the evaluator's findings that the paralegals have not been greatly involved in case preparation, that their expertise is not appropriate to technical casework, that clients perceive Paralegal involvement to have little impact, and that initial expectations among staff in the Thompson office tended to focus on the paralegals' involvement in the more technical aspects of case preparation. It is not clear what proportions of community need, management priorities, or paralegal capabilities have driven these changes. (In section 3.2 we noted that the current job description still does not accurately reflect how the paralegals spend their time.)

The evaluator incorporated a summary of the paralegals' job description current at each point in time in the paralegal and the Legal Aid lawyer surveys. We asked respondents whether they felt the duties were appropriate as described, and whether the emphasis was too high, too low, or about right.

At the time of the baseline survey (January, 1988) the Legal Aid lawyers felt the need for clarification of a large number of the paralegals' areas of responsibility. In the first interim report we found that the extent of this uncertainty was less. Based on the second interim survey the LAM lawyers' understanding of the paralegals' job seems to have progressed further.

In interviews for the final evaluation report, LAM lawyers noted that the paralegals should not be providing legal advice or opinions with respect to legal matters, and that they are most effective as communicators, educators and advocates bridging the gap between the "system" and individual clients. Although their duties may include a certain amount of in-office administration to complete files in preparation for Court, they should not be providing legal services per se. In spite of efforts

by LAN to further clarify and define the paralegals' jobs, the LAN lawyers feel strongly that additional clarification of the paralegals' job description is required. Both the LAN lawyers and the paralegals were particularly concerned that the paralegals were at times perceived as lawyers. Clients expected that the paralegals would be, in effect, providing legal advice, whereas neither the lawyers nor the paralegals felt they should be doing this. The line between clarification, explanation, guidance, assistance, and legal advice is difficult to clearly define. It is therefore necessary to define a "line" as an operating procedure by describing how the Paralegal would respond to demands from clients for advice. LAN lawyers and the paralegals feel that this and other "gray areas" in the paralegals' job description need to be clarified prior to any expansion of the program. In addition, the lawyers recommended that the title be changed from "paralegals" to something like "Community Liaison Worker" or "Community Legal Resource Officer" to avoid creating false expectations concerning the paralegals' role and responsibilities.

By the time of the first interim survey, most of the paralegals' uncertainties regarding the appropriateness of their duties seemed to have been resolved. Again, in the second interim survey, they responded that their duties are appropriate. On the final survey both paralegals felt that their duties and the time percentage emphases in their revised job descriptions were appropriate. Yet it is also clear that the two individuals involved have very different ways of approaching the job, and that LAN management has seen the value of having them specialize to a degree -- one worker doing more community development and public interest ground work, and the other doing more case and file-related work. This aspect of the project has been one of its strengths, and it may be that job descriptions should be tailored to reflect the different duties and expectations of the two paralegals.

3.12 Project Logistics

Issue #18: How did the paralegals manage the logistics of their operation? How has this affected the delivery of or demand for legal services?

Office arrangements have generally gone smoothly. LAM has provided itinerant space for the paralegals in the target communities through a mixture of space rental, and space donated by local councils and provincial probation services. The space has not always been ideal: one paralegal suggested that new paint was in order in one office, the other paralegal wishes that there were indoor plumbing in one office, and probation services suggests that the paralegals get their own office in one community because sharing space and telephones is difficult. The Shamattawa Band suggests that the paralegals should rent a regular office space that can be used for interviews, and that has office equipment and paralegal materials. (This suggestion is made in tandem with the suggestion that the paralegals should be in the community permanently or for periods of two to three weeks at a time.) The Band also suggests that the paralegal use rooms large enough to hold meetings in order to teach residents about the justice system. A number of complementary service providers suggest that the paralegals should have a more private space for meeting clients. LAM management is not adverse to renting itinerant office space, but resents being hit with, in their view, extremely high rents by some local councils who see such rental arrangements as a means of generating surplus revenue.

LAM management and the paralegals feel that the paralegals' travel arrangements and schedules are satisfactory and running smoothly. However, as the evaluator found in both interim surveys, many community leaders, and a number of those in the court party and in other related agencies felt that the paralegals should be spending more time in the communities, if not living in them permanently (each paralegal has been generally spending around one and one-half days per week in a target community, see section 3.2 Issue #8). It was noted that the problem of

space on the court plane had become more combative. With time a "live and let live" attitude seems to have quelled this problem.

Regarding the effect of logistics on the demand for legal services, the evaluator expects that, should the paralegals spend more time in the communities, the demand for LAM services would expand substantially. This outcome is expected because so many providers of complementary services and community leaders have suggested that the paralegals be more accessible to bring out "hidden" demand, and because the predominance of literature on public, free, or nearly-free services predicts such an outcome. Limiting paralegal time in the communities may be LAM's most effective method of regulating service demand through regulating service supply (along with the Public Interest Law Centre's ability to determine demand by withholding active pursuit of other possible issues). By limiting service access time in the communities, however, LAM also diverges from the goal of greater equality of access.

4.0 FINDINGS REGARDING LONG TERM IMPLICATIONS OF THE PROJECT

4.1 Costs

Issue #20: What might be the cost of a more comprehensive northern paralegal service?

Based on the discussion concerning Issue #9, section 3.4, the evaluator projects the full cost of expanding the paralegal service at \$6,000 per month or \$78,000 per year per additional paralegal. This amount is derived from the full or real current per month cost of \$13,200 less evaluation expenses of \$1,100 per month divided by two (the number of current paralegals). This amount does not include, however, the value of senior management time to be expended on the larger service, unusual travel or office costs which will depend on the communities to be served, or the value (or outright cost if purchased) of paralegal on-the-job training.

4.2 Strategic Lessons and Observations

Issue #19: What strategic lessons and recommendations flow from the evaluation concerning the development of a more comprehensive northern paralegal service?

This evaluation report has identified a number of positive and negative aspects of the Northern Paralegal Project.

The overall conclusions concerning the Northern Paralegal Project to this point continue to be very positive. The project is clearly needed and is appreciated by most of those we surveyed. The prevailing view and the data support the conclusion that it has effectively increased access to legal services among northern Native residents, and that it has improved communications between the lawyers and clients and between the court and clients during the provision of service. The statistical evidence gives strong support to these perceptions, and suggests that

there has been a great increase in service in the area of civil and family law in particular. Drop-in and telephone advice has increase dramatically and community court dockets seem to have been reduced as a result of project implementation. Moreover, those who are working in other regional and community agencies have a positive impression of the project for the most part, and feel that the paralegals are being well received in the communities. Paralegal clients are more assertive in their interactions with the justice system because they are more aware of their rights and better understand the operation of the courts. As well, the evaluator has found evidence that paralegal activities have reduced the time required of LAM lawyers per case by improving efficiencies in information collection and communication.

However, the long term success of the project will be enhanced by fine-tuning some of the structural and management aspects of the project. At a number of points in this report we note that there have been deficiencies in the project regarding administrative communications and management information systems, and training. New programs, in new environments, which hire trainees demand more preparation, greater formal structure, frequent performance feedback cycles, and more administrative support than well established programs staffed by qualified professionals. In an environment with many unknowns a well structured program is a means of achieving clarity in approach, maintaining project focus, knowing when and how to make corrections, making sure participants are communicating about the same things, and developing organizational knowledge for future development.

As previously noted, the Northern Paralegal Project began implementation with a minimal program implementation plan. This was attributable to the relatively limited and overburdened resources within the organization. Planning has taken place to some extent as the project proceeded, partially overcoming the lack of "front-end" planning; however, formal planning could still be improved. The evaluator stresses the need to further clarify, systematize, and formalize administrative elements related to supervision, training, performance targets and

monitoring, and intra-office work relationships.

A number of people would like the paralegals to have a greater presence in the communities. This may be seen both as an indication of the success of the project in establishing its value with community residents, and as an indication of lack of satisfaction with the proportion of time paralegals are spending in the communities. This demand should be considered by management especially in light of data indicating that the paralegals have been able to devote only 25% of their time to work in the communities.

The project also has had a dramatic impact on the work of LAM lawyers in Thompson, particularly on the office manager, increasing their caseloads and time spent in training and administrative work. The project, therefore, has created tension and difficulties within the office as it generates more work for an already busy staff. This issue should be addressed more thoroughly. Moreover, LAM lawyers themselves feel the need of better orientation to social and political issues concerning native communities.

In summary, the evaluator makes the following strategic recommendations for consideration to improve this project, to assist in expanding this project if management so chooses, and to provide an improved base of knowledge to proponents in other jurisdictions who may be contemplating a similar paralegal service:

- * Identify money and staff resources that can do some management, information system, informational, activity, and administrative planning prior to implementation.
- * Clarify, systematize, and formalize a management/staff reporting and monitoring system to give feedback on performance, and to link paralegal performance with client impact.

- * Establish a means of reporting time use that reinforces performance monitoring (i.e. that is closely linked to the inputs, outputs, and impacts and that minimizes ambiguity in recording time).
- * Establish a training program in advance that will link the trainees' backgrounds with performance targets. Include orientations to legal aid, to the justice system, to complementary service providers, and to the communities. Identify individuals who can begin developing training modules. Involve the paralegals and their co-workers in assessing training needs and training effectiveness during implementation.
- * Recognize that the presence of paralegals is likely to greatly increase caseloads, and that caseload proportions are also likely to change in that family or civil caseload will increase the most.
- * Recognize that the paralegals will not be able to offset the increased workload, especially during the first two years, but not even over the long term.
- * Avoid building false expectations about the nature and extent of the service to be offered, and the expected impact of the service within the justice system, within the communities, and among other service providers.
- * Attempt, with some persistence, to clarify the role of the paralegals to legal aid staff, community leaders, the court party, and related service providers. Attempt to hammer out a method of joint orientation and initial working relationships. Understand what each party might lose or gain from the entry of paralegals into the environment.

- * Recognize that, during the first two years, at least, of the paralegals' presence, they will require a more hands-on supervision and training, and that performance feedback systems should be established to enable performance data and perceptual data among co-workers and others to be brought to bear on activities. The paralegal management environment will be less collegial and more hierarchical than the management environment for experienced lawyers.
- * Recognize the fact that in small, very close-knit, aboriginal communities the paralegals must prove their worth and trust to be accepted (as they have, by and large, in this project). This is especially important concerning the local council and local service providers.
- * Establish, at the outset, a clear job description with developmental knowledge and skill benchmarks that is understood by the paralegals and their co-workers. Ensure that this job description clarifies the distinction between paralegals' roles and the provision of "legal advice."
- * Ensure that paralegal management and managerial relations are clear, clean, and stabilized at the outset. The introduction of the paralegals and their work to an existing organization will create sufficient instability in the early period without unduly complicating things.
- * Understand the nature of the communities to be targeted, the level and magnitude of likely needs (educative, developmental, access only, or technical legal assistance). Target the nature of the project, and the interests, skills, and experiences of the paralegals according to these projected community needs, and tailor individual job descriptions to meet these needs.